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# ***Illinois Register***

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## **Rules of Governmental Agencies**

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## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Requirements for Land Disposal of Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 601
- 3) Section Number: 601.230  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will delete subsections (l) and (m) from Section 601.230. The Department is proposing this amendment to eliminate out of date disposal site suitability requirements regarding local approval for the disposal of waste at the low-level radioactive waste disposal facility.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Stephen J. England  
Chief Legal Counsel  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9881 (voice)  
(217) 782-6133 (TDD)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require applicants to perform reporting, bookkeeping or other procedures for achieving compliance.
- C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY  
 CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
 SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 601  
 LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

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## DEPARTMENT OF NUCLEAR SAFETY

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Section 601.310	Funding for Disposal Site Closure and Stabilization
601.320	Financial Assurances for Institutional Controls
601.330	Maintenance of Records, Reports, and Transfers
601.340	Tests at Land Disposal Facilities
601.350	Department Inspections of Land Disposal Facilities

AUTHORITY: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act (~~Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 241 et seq.~~) [420 ILCS 20].

SOURCE: Adopted at 10 Ill. Reg. 17465, effective September 25, 1986; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 601.230 Technical Requirements - Disposal Site Suitability Requirements for Land Disposal

The following minimum characteristics shall be used in determining a site acceptable for use as a disposal facility:

- The primary emphasis in disposal site suitability is isolation of wastes, and the disposal site features that ensure that the long-term performance objectives are met.
- The disposal site shall be capable of being characterized, modeled, analyzed and monitored.
- Within the region where the facility is to be located, a disposal site shall be selected so that projected population growth and future developments are not likely to affect the ability of the disposal facility to meet the performance objectives of this Part.
- Areas shall be avoided having known natural resources which, if exploited, would result in failure to meet the performance objectives of this Part.
- The disposal site shall be generally well drained and free of areas of standing water or flooding or frequent ponding. Waste disposal shall not take place in a 100-year flood plain, as defined in the rules of the Illinois Department of Transportation, 92 Ill. Adm. Code 706, Subpart C.
- Upstream drainage areas shall be minimized to decrease the amount of runoff which could erode or inundate waste disposal units.



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NOTICE OF PROPOSED AMENDMENT

- g) The disposal site shall provide sufficient depth to the water table that ground water intrusion, perennial or otherwise, into the waste will not occur. The Department will consider an exception to this requirement to allow disposal below the water table if it can be conclusively shown that disposal site characteristics will result in molecular diffusion being the predominant means of radionuclide movement and the rate of movement will result in the performance objectives being met. In no case will waste disposal be permitted in the zone of fluctuation of the water table.
- h) The hydrogeologic unit used for disposal shall not discharge ground water to the surface within the disposal site.
- i) Areas shall be avoided where tectonic processes such as faulting, folding, seismic activity, or vulcanism occur with such frequency and to such an extent that they would affect the ability of the disposal site to meet the performance objectives of this Part or would preclude defensible modeling and prediction of long-term impacts.
- j) Areas shall be avoided where surface geologic processes such as mass wasting, erosion, slumping, landsliding, or weathering occur with such frequency and to such an extent that they would affect the ability of the disposal site to meet the performance objectives of this Part, or would preclude defensible modeling and prediction of long-term impacts.
- k) The disposal site must not be located where nearby facilities or activities could adversely impact the ability of the site to meet the performance objectives of this Part or significantly mask the environmental monitoring program.
- ~~l) The disposal site shall be located so as to minimize impact on traffic flows.~~
- ~~m) The site shall not be located within 1.5 miles of a municipality unless the municipality has given its consent to the siting.~~
- (Source: Amended at 18 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Requirements For The Disposal Of Low-Level Radioactive Waste Away From The Point Of Generation
- 2) Code Citation: 32 Ill. Adm. Code 606
- 3) Section Number:  
606.10  
606.30  
606.90  
Proposed Action:  
Amendment  
Amendment  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].
- 5) A Complete Description of the Subjects and Issues Involved: Section 8 of the Illinois Low-Level Radioactive Waste Management Act prohibits the Director from issuing a license for the disposal of mixed waste at the regional disposal facility. Therefore, the Department is proposing this amendment to: (1) delete the requirement that the disposal facility be designed to accommodate mixed waste; (2) modify statutory citations so that they refer to the Illinois Compiled Statutes; (3) introduce dual metric/English (or special) units of measurement; (4) update citations to rules, standards and guidelines that are incorporated by reference; (5) modify cross references to sections in 32 Ill. Adm. Code 340; and (6) make non-substantive editorial changes.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?  
Yes, the amendment contains material incorporated by reference pursuant to Section 100/5-75(a) of the Administrative Procedure Act [5 ILCS 100/5-75(a)].
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Stephen J. England  
Chief Legal Counsel  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9881 (voice)  
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require applicants to perform reporting, bookkeeping or other procedures for achieving compliance.
- C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

## PART 606

REQUIREMENTS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE  
AWAY FROM THE POINT OF GENERATION

Section	Scope
606.10	Definitions
606.20	Requirements for Design, Construction, Operation, Monitoring, and Maintenance of the Low-Level Radioactive Waste Disposal Facility
606.30	Recordkeeping Requirements
606.40	Technical Qualifications of Personnel
606.50	Financial Responsibility of Facility Operator
606.60	Contingency Plan and Emergency Procedures
606.70	Closure, Post-Closure, Maintenance, and Institutional Care
606.80	Emergency Closure
606.90	

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act (~~III. Rev. Stat. 1989, ch. 111 1/2, par. 241-6~~) [420 ILCS 20/6].

SOURCE: Adopted at 12 Ill. Reg. 4824, effective March 1, 1988; amended at 12 Ill. Reg. 18171, effective October 31, 1988; amended at 15 Ill. Reg. 8958, effective June 10, 1991; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 606.10 Scope

This Part sets out standards applicable to facilities for the disposal of low-level radioactive wastes away from the point of generation. These standards are in addition to the requirements specified in the rules of the Department of Nuclear Safety entitled "Licensing Requirements of Land Disposal of Radioactive Waste" (32 Ill. Adm. Code 601). The development and operation of a disposal facility in compliance with the requirements of this Part and ~~part 601~~ 32 Ill. Adm. Code 601 would reflect the best available management technologies which are economically reasonable, technologically feasible, and environmentally sound for the disposal of low-level radioactive waste as required by Section 6 of the Illinois Low-Level Radioactive Waste Management Act (~~the Act~~) (~~III. Rev. Stat. 1987, ch. 111 1/2, par. 241 et seq.~~) [420 ILCS 20].



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(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

Section 606.30 Requirements for Design, Construction, Operation, Monitoring, and Maintenance of the Low-Level Radioactive Waste Disposal Facility

a) Design and Construction of the Facility - Performance Objectives

The disposal facility shall be designed and constructed, based on accepted engineering principles and practices, to further the following performance objectives:

- 1) The design and construction of the disposal facility shall utilize *the best available technology that is economically reasonable, technologically feasible, and environmentally sound for disposal of waste* (Section 6 of the Act).
  - 2) The design of the disposal facility must be compatible with the expected waste characteristics, methods of operation, and proposed methods of closure and stabilization and shall demonstrate that the requirements of 32 Ill. Adm. Code 601 will be met.
  - 3) The facility design shall allow closure in a manner that isolates the wastes and waste constituents and that requires only minor custodial care to assure long term performance.
  - 4) The disposal facility shall be designed and constructed to provide for the complete containment of waste and waste constituents.
  - 5) The disposal facility shall be designed and constructed to allow remedial action, if necessary. Achievement of this objective shall not be accomplished by compromising, or in any way lessening, the ability of the disposal facility to satisfy the performance objectives and requirements of this Part and of 32 Ill. Adm. Code 601.
  - 6) Disposal units shall be designed so that their engineered components will maintain their structural integrity and prevent release of waste and waste constituents.
- b) Design and Construction of the Facility - Requirements
- 1) The disposal facility design shall not incorporate the use of shallow land burial or underground injection wells and shall provide for the use of above-ground modules or other

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

designs to provide greater and safer confinement of low-level radioactive waste. The disposal facility shall meet the licensing requirements of 32 Ill. Adm. Code 601.

- 2) The facility shall be designed to accept waste for disposal for a period of at least 50 years. Requisite capacity shall be based on volume and activity projections available from the Department pursuant to Section 4 of the Act. The facility shall be designed to accommodate waste generated during the decommissioning of nuclear power stations in Illinois.
- 3) The facility shall be designed for the disposal of both low-level radioactive waste ~~and mixed waste~~.
- 4) Support buildings (i.e., buildings at the facility other than those in which waste is disposed of) at the facility shall meet the following requirements:
  - A) All buildings shall be designed and constructed to be permanent in nature with an estimated lifetime of at least 60 years.
  - B) During the operational period of the facility, trailers and temporary buildings shall be limited to 12 months on site.
  - C) Buildings shall be designed, constructed and maintained in accordance with the following standards:
    - i) "Occupational Safety and Health Standards" of the Occupational Safety and Health Agency, 29 CFR 1910, Subparts A - Q and Subpart S, July 1, 1990 1991, exclusive of subsequent amendments. A copy of this material is available for inspection at the Department.
    - ii) "Safety and Health Regulations for Construction" promulgated by the Occupational Safety and Health Administration, 29 CFR 1926, July 1, 1990 1991, exclusive of subsequent amendments. A copy of this material is available for inspection at the Department.
    - iii) Uniform Building Code, published by the National Conference of Building Officials, current as of

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## NOTICE OF PROPOSED AMENDMENT

~~1988 and as amended by the 1990 Accumulative Supplement 1994~~, but exclusive of subsequent amendments or editions. Copies of this Code can be obtained directly from the National Conference of Building Officials, 5360 S. Workman Mills Road, Whittier, CA 90601. A copy of this code is also available for inspection at the Department.

- iv) Uniform Mechanical Code, published by the National Conference of Building Officials, current as of ~~1988 and as amended by the 1990 Accumulative Supplement 1994~~, but exclusive of subsequent amendments or editions. Copies of this Code can be obtained directly from the National Conference of Building Officials, 5360 S. Workman Mills Road, Whittier, CA 90601. A copy of this code is also available for inspection at the Department.
- v) National Electric Code, published by the National Fire Protection Association, current as of ~~1990 1993~~, exclusive of subsequent amendments or editions. Copies of this can be obtained directly from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. A copy of this code is also available for inspection at the Department.
- vi) Minimum Design Loads for Buildings and Other Structures, ASCE 7-~~88~~ 93, current as of July ~~1990 1993~~, exclusive of subsequent amendments or editions. Copies of the standard can be obtained directly from the American Society of Civil Engineers, 345 East 47th Street, New York, New York 10017-2398. A copy of the standard is also available for inspection at the Department.
- vii) Local Building Codes.
- viii) In the event that two or more building standards conflict or apply, the most stringent standard shall be met.
- 5) The disposal unit shall be designed and constructed to withstand all natural phenomena, such as precipitation,

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earthquakes, and tornadoes, which are expected to occur for five hundred years.

- 6) The disposal unit shall meet the following design requirements:

- A) Disposal modules shall be designed and constructed to incorporate multiple engineered safety features, such as, but not limited to, placing a cover over disposal modules, using backfill that adds structural strength to the module, and reinforcing modules with manufactured materials that are independently monitored and that provide structural support, prevent the release of waste and waste constituents, and prevent inadvertent intrusion (See 32 Ill. Adm. Code 601.20);
- B) The disposal unit shall be modular, incorporating design elements that will allow operation of the facility in such a manner that the amount of waste on site that is not yet permanently disposed of, as well as the time that waste is held on site prior to disposal, will be minimized;
- C) Disposal modules must be designed and constructed to accommodate waste that cannot be packaged in standard containers, e.g., reactor components, contaminated steel;
- D) Disposal modules made of manufactured materials must be designed and constructed, using accepted engineering principles and practices, to ensure that the tensile stress in the manufactured materials never exceeds the level that will cause the materials to fail. Any support provided by structural reinforcement, such as steel or rebar, shall be taken into account only if the structural reinforcement is designed and constructed to ensure maintenance of the structural reinforcement's minimum required strength for the entire design life of the disposal module;
- E) Disposal modules must be designed to maintain their structural integrity regardless of the physical form of the waste;



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- F) Disposal modules shall be designed and constructed so that water cannot infiltrate and remain in contact with waste packages;
- G) Disposal modules must be constructed of materials that will not interact with each other, any surrounding earth, backfill, any cover material, or base grade material in such a manner as to compromise the ability of the materials to perform their intended function;
- H) If intruder barriers are required by 32 Ill. Adm. Code 601.250(b), disposal modules must be designed and constructed, using accepted engineering practices, with intruder barriers designed to last at least 500 years; and

~~I) Mixed waste shall be disposed of in modules that are designed, constructed, operated, closed, and monitored in compliance with both 32 Ill. Adm. Code 601 and 45 Ill. Adm. Code 724, and~~

~~J) Disposal module design shall allow characterization, modeling, analysis, and evaluation of the module's capability to contain waste.~~

## c) Operation and Maintenance - Performance Objective

The low-level radioactive waste disposal facility shall be operated in a manner that reduces the risks associated with radiation to workers and the general public to levels that are as low as is reasonably achievable.

## d) Operation and Maintenance - Requirements

- 1) The facility shall be operated in compliance with following requirements applicable to licensees of the Department: 32 Ill. Adm. Code 200, 310, 320, 330, 340, 341, 400, and 601.
- 2) Waste shall not be disposed of at the facility unless the waste complies with the applicable waste form standards. Any waste received that is not in compliance with these standards shall either be treated prior to disposal or returned to the generator or broker, provided the waste packages comply with the packaging requirements of 32 Ill. Adm. Code 341. Wastes may be treated at the disposal facility only if the operator is licensed to engage in

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

treatment activities. If the waste packages are not in compliance with the 32 Ill. Adm. Code 341, the operator shall either repack the waste for return or treat the waste so that it is in a form which is acceptable for disposal. The generator or broker who shipped the waste to the disposal facility shall be liable for any expense incurred due to repackaging or processing unacceptable waste forms, or for expenses incurred in shipping the waste back to the generator if required.

AGENCY NOTE: Pursuant to Section 7 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat., 1989, ch. 111 1/2, par. 241-7) [420 ILCS 20/7], the Department will be promulgating rules setting forth waste form standards.

- 3) Waste shall not be disposed at the facility unless the waste is accompanied by a proper manifest. In the event that waste is received at the facility without a proper manifest, the operator shall notify the Department and contact the shipper to obtain a proper manifest. In the event that a proper manifest cannot be obtained, the facility operator shall take such other action as the Department requires, such as, but not limited to, analyzing the contents of the unmanifested shipment and preparing a manifest reflecting the results, and with the approval of the Department, based on requirements contained in the license and the Department's rules, disposing of the waste, in accordance with the requirements imposed by the facility license, at the shipper's expense.

- 4) The facility shall be operated so that no person outside the facility boundary receives a radiation dose in excess of ~~1 millirem~~ 10 micro Sv (1 mrem) per year to the whole body as a result of the facility operations.

- 5) To the extent practicable, wastes shall be disposed of in containers of standard size and shape.

- 6) The facility shall be operated in a manner that reduces the amount of waste on site that has not yet been permanently disposed of and that minimizes the time the waste is held on site prior to disposal.

## DEPARTMENT OF NUCLEAR SAFETY

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

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7) The facility operator shall provide personnel, equipment, and procedures for acquiring environmental samples and conducting on-site tests to detect any releases of radionuclides into the air, soil, water, and groundwater, as well as for monitoring radiation exposures to facility personnel as for monitoring occupational dose in accordance with 32 Ill. Adm. Code 340-2020 340. Subpart F. In addition, the facility operator shall provide for environmental sampling and testing to detect releases of waste or waste constituents into the air, soil, and water which are either, listed as hazardous in Subpart D of 40 CFR 261, or cause the waste to exhibit any of the hazardous waste characteristics identified in Subpart C of 40 CFR 261. 40 CFR 261 is incorporated as of July 1, 1990 1993, exclusive of subsequent amendments or editions. A copy of 40 CFR 261 is available for inspection at the Department of Nuclear Safety.

8) The facility operator shall not accept waste at the facility until the waste shipment has been inspected and approved by the Department, as required by Section 9(e) of the Act. The operator shall provide office space, not smaller than 20 feet by 20 feet, in a building located near the gate where waste is received, to be used by the resident inspector from the Department. The operator will maintain the building and supply electricity, heat, air conditioning, water, and restroom facilities.

9) The facility operator shall maintain a direct data link with the Department's offices in Springfield and shall transmit to the Department facility records regarding the receipt, handling, and disposition of low-level radioactive waste as required by this Part.

10) The facility operator shall maintain a public documents room.

11) The facility operator shall maintain a public information center in the community where the facility is located.

12) The facility operator shall make all records of facility operations available upon request of the Department pursuant to its authority under Section 8 of the Act and Section 27 of the Radiation Protection Act of 1990 (P.A. 86-1341, effective September 7, 1990 420 ILCS 40/27) and shall provide access to every part of the facility to representatives of the Department.

## e) Facility Monitoring - Performance Objective

The low-level radioactive waste disposal facility shall include a monitoring system, which, based on accepted engineering principles and practices, is capable of determining compliance with this Part and 32 Ill. Adm. Code 601.

## f) Facility Monitoring - Requirements

1) The disposal facility shall include a monitoring system for detecting releases of radioactive or hazardous material within the disposal modules during facility operations.

2) The disposal facility shall include a monitoring system for detecting releases of radioactive or hazardous materials from the disposal unit.

3) The disposal facility shall include a monitoring system capable of detecting releases of radioactive or hazardous materials from the facility.

4) The disposal facility shall include a monitoring system capable of detecting releases into the air, soil, surface water and groundwater.

## g) Maintenance

1) The facility operator shall conduct a program of in-situ testing of the design and construction of disposal modules. The in-situ testing program shall continue during the period of operation and closure. The program shall be designed to provide additional information regarding the expected long term performance of the facility, to identify any deficiencies or defects in design and construction of disposal units, and to form the basis for recommending changes on design, construction, and operation of the facility that would increase the safety or efficiency of waste disposal.

2) The facility operator shall, at all times, maintain the facility structures and equipment to promote occupational safety and worker protection, and to assure uninterrupted operation of the facility.

(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective \_\_\_\_)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

## Section 606.90 Emergency Closure

a) Upon finding that immediate closure of the facility is necessary to avoid an imminent threat to the public health or safety, or the environment, the Director of the Department shall issue an emergency closure order to the facility operator. An emergency closure order may be issued by the Director in the event of either:

1) A finding of non-compliance with any applicable regulation of the Department, if such non-compliance is determined by the Director to pose a risk of a release of radioactive material beyond the site boundary in excess of any applicable limit imposed by 32 Ill. Adm. Code 340, or a ~~radiation exposure~~ occupational dose in excess of the performance standards imposed by 32 Ill. Adm. Code 601 and this Part; or

2) A finding that continued operation of the facility represents a significant and immediate threat to the public health or safety, as evidenced by a violation of any provisions of the Radiation Protection Act of 1990 or Illinois Low-Level Radioactive Waste Management Act or any code, rule, regulation or order promulgated under these acts, and that requires immediate action to protect the public welfare (Section 12 38 of the Radiation Protection Act of 1990, Ill. Rev. Stat. 1987, ch. 111½, par. 222 420 ILCS 40, and Section 8 of the Act).

b) Upon receipt of a written order requiring immediate closure, the facility operator shall immediately take the following actions:

- 1) Implement the contingency plan required by Section 606.70 of this Part;
- 2) Notify all persons holding a site use permit or similar evidence of permission to use the facility; and
- 3) Notify the Central Midwest Interstate Low-Level Radioactive Waste Commission.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Proposed Action:  
211.2300 New Section  
211.3695 New Section  
211.4130 Amendment
- 4) Statutory Authority: [415 ILCS 5/27 and 28.5 (1992) ]
- 5) A Complete Description of the Subjects and Issues Involved:  
Two additional sections are proposed to coincide with amendments to 35 Ill. Adm. Code 218 and 219. Section 211.4130 is amended to reflect the definition of "opacity" in 35 Ill. Adm. 240.

6) Will this proposed rule(s) replace an emergency rule currently in effect?  
\_\_\_\_ Yes X No

7) Does this rulemaking contain an automatic repeal date?  
\_\_\_\_ Yes X No

8) Does this proposed amendment contain incorporations by Reference?  
X Yes \_\_\_\_ No

9) Are there any other proposed amendments pending on this Part?  
X Yes \_\_\_\_ No

Section Number	Proposed Action	Illinois Register Citation
211.102	Amendment	18 Ill. Reg. 8331
211.1920	New Section	18 Ill. Reg. 8331
211.3480	New Section	18 Ill. Reg. 9228
211.3500	New Section	18 Ill. Reg. 8331
211.3620	New Section	18 Ill. Reg. 8331
211.3650	Amendment	18 Ill. Reg. 9228
211.3660	New Section	18 Ill. Reg. 9228
211.4260	New Section	18 Ill. Reg. 8331
211.5060	New Section	18 Ill. Reg. 7589
211.5340	New Section	18 Ill. Reg. 8331

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.6355 New Section 18 Ill. Reg. 8331  
 211.6360 New Section 18 Ill. Reg. 8331  
 211.6970 Amendment 18 Ill. Reg. 9228  
 211.6990 Amendment 18 Ill. Reg. 9228

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3 (b) of the State Mandates Act [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R94-16 within 45 days of publication in the Illinois Register to:

Dorothy Gunn  
 Clerk of the Pollution Control Board  
 100 West Randolph Street  
 Suite 11-500  
 Chicago, IL 60601

and

Kyle Nash Davis  
 Assistant Counsel  
 Illinois Environmental Protection Agency  
 Bureau of Air  
 P.O. Box 19276  
 Springfield, IL 62794-9276

All comments should be clearly marked with the docket number R94-16. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062 or Kyle Nash Davis, Illinois Environmental Protection Agency at (217) 524-3333.

Public hearings are scheduled for August 4, 1994, at 10:30 a.m., James R. Thompson Center, 100 W. Randolph, Room 9-040, Chicago, Illinois and if necessary on September 2, and September 16, 1994 at the same time and location. Contact Diane O'Neill, hearing officer at (312) 814-6062 if interested in the hearings.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

No small businesses will be affected to a greater extent than allowed by current statutes and regulations. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 27, 1994

B) Types of small businesses affected: Only those in the context of the proposed amendments to 35 Ill. Adm. Code. 218 Subpart B and 219 Subpart B.

C) Reporting, bookkeeping or other procedures required for compliance: NA

D) Types of professional skills necessary for compliance: NA

The full text of the Proposed Rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section  
211.101  
211.102

Incorporations by Reference  
Abbreviations and Units

## SUBPART B: DEFINITIONS

Section

211.121 Other Definitions  
211.122 Definitions (Repealed)  
211.130 Accelacota  
211.150 Accumulator  
211.170 Acid Gases  
211.210 Actual Heat Input  
211.230 Adhesive  
211.250 Aeration  
211.270 Aerosol Can Filling Line  
211.290 Afterburner  
211.310 Air Contaminant  
211.330 Air Dried Coatings  
211.350 Air Oxidation Process  
211.370 Air Pollutant  
211.390 Air Pollution  
211.410 Air Pollution Control Equipment  
211.430 Air Suspension Coater/Dryer  
211.450 Airless Spray  
211.470 Air Assisted Airless Spray  
211.490 Annual Grain Through-Put  
211.510 Application Area  
211.530 Architectural Coating  
211.550 As Applied  
211.570 Asphalt  
211.590 Asphalt Prime Coat  
211.610 Automobile  
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant  
211.650 Automobile or Light-Duty Truck Refinishing  
211.670 Baked Coatings  
211.690 Batch Loading

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.710 Bead-Dipping  
211.730 Binders  
211.750 British Thermal Unit  
211.770 Brush or Wipe Coating  
211.790 Bulk Gasoline Plant  
211.810 Bulk Gasoline Terminal  
211.830 Can  
211.850 Can Coating  
211.870 Can Coating Line  
211.890 Capture  
211.910 Capture Device  
211.930 Capture Efficiency  
211.950 Capture System  
211.970 Certified Investigation  
211.990 Choke Loading  
211.1010 Clean Air Act  
211.1050 Cleaning and Separating Operation  
211.1070 Cleaning Materials  
211.1090 Clear Coating  
211.1110 Clear Topcoat  
211.1130 Closed Purge System  
211.1150 Closed Vent System  
211.1170 Coal Refuse  
211.1190 Coating  
211.1210 Coating Applicator  
211.1230 Coating Line  
211.1250 Coating Plant  
211.1270 Coil Coating  
211.1290 Coil Coating Line  
211.1310 Cold Cleaning  
211.1330 Complete Combustion  
211.1350 Component  
211.1370 Concrete Curing Compounds  
211.1390 Concentrated Nitric Acid Manufacturing Process  
211.1410 Condensate  
211.1430 Condensible PM-10  
211.1470 Continuous Process  
211.1490 Control Device  
211.1510 Control Device Efficiency  
211.1530 Conventional Soybean Crushing Source  
211.1550 Conveyorized Degreasing  
211.1570 Crude Oil  
211.1590 Crude Oil Gathering  
211.1610 Crushing  
211.1630 Custody Transfer  
211.1650 Cutback Asphalt  
211.1670 Daily-Weighted Average VOM Content  
211.1690 Day  
211.1710 Degreaser

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.1730 Delivery Vessel  
 211.1750 Dip Coating  
 211.1770 Distillate Fuel Oil  
 211.1790 Drum  
 211.1810 Dry Cleaning Operation or Dry Cleaning Facility  
 211.1830 Dump-Pit Area  
 211.1850 Effective Grate Area  
 211.1870 Effluent Water Separator  
 211.1890 Electrostatic Bell or Disc Spray  
 211.1910 Electrostatic Spray  
 211.1930 Emission Rate  
 211.1950 Emission Unit  
 211.1970 Enamel  
 211.1990 Enclose  
 211.2010 End Sealing Compound Coat  
 211.2030 Enhanced Under-the-Cup Fill  
 211.2050 Ethanol Blend Gasoline  
 211.2070 Excess Air  
 211.2090 Excessive Release  
 211.2110 Existing Grain-Drying Operation  
 211.2130 Existing Grain-Handling Operation  
 211.2150 Exterior Base Coat  
 211.2170 Exterior End Coat  
 211.2190 External Floating Roof  
 211.2210 Extreme Performance Coating  
 211.2230 Fabric Coating  
 211.2250 Fabric Coating Line  
 211.2270 Federally Enforceable Limitations and Conditions  
 211.2300 Fill  
 211.2310 Final Repair Coat  
 211.2330 Firebox  
 211.2350 Fixed-Roof Tank  
 211.2370 Flexographic Printing  
 211.2390 Flexographic Printing Line  
 211.2410 Floating Roof  
 211.2430 Fountain Solution  
 211.2450 Freeboard Height  
 211.2470 Fuel Combustion Emission Unit or Fuel Combustion  
 Emission Source  
 211.2490 Fugitive Particulate Matter  
 211.2510 Full Operating Flowrate  
 211.2530 Gas Service  
 211.2550 Gas/Gas Method  
 211.2570 Gasoline  
 211.2590 Gasoline Dispensing Operation or Gasoline Dispensing  
 Facility  
 211.2610 Gel Coat  
 211.2650 Grain  
 211.2670 Grain-Drying Operation

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.2690 Grain-Handling and Conditioning Operation  
 211.2710 Grain-Handling Operation  
 211.2730 Green-Tire Spraying  
 211.2750 Green Tires  
 211.2770 Gross Heating Value  
 211.2790 Gross Vehicle Weight Rating  
 211.2810 Heated Airless Spray  
 211.2830 Heatset  
 211.2850 Heatset-Web-Offset Lithographic Printing Line  
 211.2870 Heavy Liquid  
 211.2890 Heavy Metals  
 211.2910 Heavy Off-Highway Vehicle Products  
 211.2930 Heavy Off-Highway Vehicle Products Coating  
 211.2950 Heavy Off-Highway Vehicle Products Coating Line  
 211.2970 High Temperature Aluminum Coating  
 211.2990 High Volume Low Pressure (HVL) Spray  
 211.3010 Hood  
 211.3030 Hot Well  
 211.3050 Housekeeping Practices  
 211.3070 Incinerator  
 211.3090 Indirect Heat Transfer  
 211.3110 Ink  
 211.3130 In-Process Tank  
 211.3150 In-Situ Sampling Systems  
 211.3170 Interior Body Spray Coat  
 211.3190 Internal-Floating Roof  
 211.3210 Internal Transferring Area  
 211.3230 Lacquers  
 211.3250 Large Appliance  
 211.3270 Large Appliance Coating  
 211.3290 Large Appliance Coating Line  
 211.3310 Light Liquid  
 211.3330 Light-Duty Truck  
 211.3350 Light Oil  
 211.3370 Liquid/Gas Method  
 211.3390 Liquid-Mounted Seal  
 211.3410 Liquid Service  
 211.3430 Liquids Dripping  
 211.3450 Lithographic Printing Line  
 211.3470 Load-Out Area  
 211.3490 Low Solvent Coating  
 211.3510 Magnet Wire  
 211.3530 Magnet Wire Coating  
 211.3550 Magnet Wire Coating Line  
 211.3570 Major Dump Pit  
 211.3590 Major Metropolitan Area (MMA)  
 211.3610 Major Population Area (MPA)  
 211.3630 Manufacturing Process  
 211.3650 Marine Terminal



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3930	Monitor
211.3950	Monomer
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation
211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-contact Process Water Cooling Tower
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5030	Pressure Release
211.5050	Pressure Tank
211.5070	Prime Coat
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**AUTHORITY:** Implementing Sections 9, 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1009, 1009-1, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 9.1, 10, 27 and 28.5 (1992)].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-16 at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

Section 211.2300 Fill

"Fill", for purposes of 35 Ill. Adm. Code 218.119 through 218.129 and 219.119 through 219.129, means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 211.3595 Maximum True Vapor Pressure

"Maximum true vapor pressure" means the equilibrium partial pressure exerted by stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOLS stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOLS stored at the ambient temperature, as determined:

- a) In accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating Roof Tanks, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or
- b) By ASTM Method D2879-83, incorporated by reference at 35 Ill. Adm. Code 218.112(a)(1) and 219.112(a)(1).

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

Section 211.4130 Opacity

"Opacity" means

- a) For purposes of Part 212, a condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity Percent	Ringelmann
10	0.5
20	1.
30	1.5
40	2.
60	3.
80	4.
100	5.

- b) That fraction of light, expressed in percent, which when transmitted from a source through a smoke-obscured path, is prevented from reaching the observer of instrument receiver.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Organic Material Emission Standards and Limitations for the Chicago Area.

2) Code Citation: 35 Ill. Adm. Code 218

3) Section Numbers: Proposed Action:

218.119 New Section  
 218.120 New Section  
 218.121 Amendment  
 218.125 New Section  
 218.127 New Section  
 218.128 New Section  
 218.129 New Section  
 218.520 Renumber, Amendment  
 218.522 New Section  
 218.523 New Section  
 218.524 New Section  
 218.Appendix C Amendment

4) Statutory Authority: [415 ILCS 5/27 and 28.5 (1992)]

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking proposes amendments to two Subparts of 35 Ill. Adm. Code 218 pursuant to the Rate of Progress Plan submitted to USEPA November 15, 1993, as required by the Clean Air Act as amended in 1990. This rulemaking will affect those businesses that engage in storage of volatile organic liquid or that have air oxidation processes. The amendments to Subpart B, Organic Emissions from Loading and Storage Operations, reflect proposed federal guidance in this industrial category. The changes to Subpart V, Air Oxidation Processes, propose more stringent control standards for this industrial process.

6) Will this proposed rule(s) replace an emergency rule currently in effect?  
 Yes ☐ No ☒

7) Does this rulemaking contain an automatic repeal date?  
 Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference?  
 Yes ☒ No ☐

9) Are there any other proposed amendments pending on this Part?  
 X Yes ☒ No ☐

Section Number	Proposed Action	Illinois Register Citation
218.101	Amendment	18 Ill. Reg. 9242
218.106	Amendment	18 Ill. Reg. 9242
218.112	Amendment	18 Ill. Reg. 7602
218.583	Amendment	18 Ill. Reg. 7602
218.760	New Section	18 Ill. Reg. 9242
218.762	New Section	18 Ill. Reg. 9242
218.764	New Section	18 Ill. Reg. 9242
218.766	New Section	18 Ill. Reg. 9242
218.770	New Section	18 Ill. Reg. 9242
218.920	Amendment	18 Ill. Reg. 9242
218.940	Amendment	18 Ill. Reg. 9242
218.960	Amendment	18 Ill. Reg. 9242
218.980	Amendment	18 Ill. Reg. 9242
218.Appendix E	New Section	18 Ill. Reg. 9242

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3 (b) of the State Mandates Act [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R94-16 within 45 days of publication in the Illinois Register to:

Dorothy Gunn  
 Clerk of the Pollution Control Board  
 100 West Randolph Street  
 Suite 11-500  
 Chicago, IL 60601

and

Kyle Nash Davis  
 Assistant Counsel  
 Illinois Environmental Protection Agency  
 Bureau of Air  
 P.O. Box 19276  
 Springfield, IL 62794-9276



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

All comments should be clearly marked with the docket number R94-16. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062 or Kyle Nash Davis, Illinois Environmental Protection Agency at (217) 524-3333.

Public hearings are scheduled for August 4, 1994, at 10:30 a.m., James R. Thompson Center, 100 W. Randolph, Room 9-040, Chicago, Ill. and if necessary on September 2, and September 16, 1994 at the same time and location. Contact Diane O'Neill, hearing officer at (312) 814-6062 if interested in the hearings.

12) Initial Regulatory Flexibility Analysis:

No small businesses will be affected to a greater extent than allowed by current statutes and regulations. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
June 27, 1994

B) Types of small businesses affected: Those that engage in storage of volatile organic liquid or that have air oxidation processes.

C) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal. The recordkeeping and reporting requirements for Subpart V are the same as previously required; they have not been amended.

D) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

The full text of the Proposed Rule begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE  
CHICAGO AREA

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**AUTHORITY:** Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat., 1991, ch. 111, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5 (1992)].

**SOURCE:** Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-23 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. at 1945, effective January 24, 1994; amended in R94-16 at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_.

## SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

## Section 218.119 Applicability for VOL

The limitations of Section 218.120 of this Subpart shall apply to all storage containers of volatile organic liquid (VOL) with a maximum true vapor pressure of 0.75 psia or greater but less than 11.1 psia in any stationary tank, reservoir, or other container of more than 151 cubic meters (40,000 gal) capacity, except to vessels as provided below:

- a) Vessels with a capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true pressure of less than 0.5 psia;
- b) Vessels of coke oven by-product plants;
- c) Pressure vessels designed to operate in excess of 29.4 psia and without emissions to the atmosphere;
- d) Vessels permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships;
- e) Vessels storing petroleum liquids; or



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f) Vessels used to store beverage alcohol.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 218.120 Control Requirements for Storage Containers of VOL

Every owner or operator subject to the requirements of this Subpart shall reduce VOM emissions from storage tanks, reservoirs, or other containers as follows:

- a) 1) Each fixed roof tank shall be equipped with an internal floating roof that meets the following specifications or that is equipped with a vapor control system that meets the specifications contained in subsection (a)(4) below:
  - A) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied and subsequently refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
  - B) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:
    - i) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank;
    - ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between

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the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous; or

- iii) A mechanical shoe seal, which is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
- C) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
- D) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
- E) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
- F) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
- G) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

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- H) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.
- 2) During the next scheduled tank cleaning or before March 15, 2004, whichever comes first, each internal floating roof tank shall meet the specifications set forth in subsection (a)(1)(A) through (H) above.
- 3) Each external floating roof tank shall meet the following specifications:
- A) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
- i) Except as provided in Section 218.127(b)(4) of this Subpart, the primary seal shall completely cover the annular space between the edge of the floating roof and tank wall and shall be either a liquid mounted seal or a shoe seal.
- ii) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in Section 218.127(b)(4) of this Subpart.
- iii) The tank shall be equipped with the closure device after the next scheduled tank cleaning, but no later than March 15, 2004.
- B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained

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- in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
- C) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.
- 4) A closed vent system and control device shall meet the following specifications:
- A) The closed vent system shall be designed to collect all VOM vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined by the methods specified in 40 CFR 60.485(c), incorporated by reference at Section 218.112(d) of this Part.
- B) The control device shall be designed and operated to reduce inlet VOM emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements of 40 CFR 60.18, incorporated by reference at Section 218.112(d) of this Part.
- 5) An alternative emission control plan equivalent to the requirements of subsection (a)(1), (a)(2), (a)(3), or (a)(4) above that has been approved by



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the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

- b) The owner or operator of each storage vessel with a design capacity equal to or greater than 40,000 gallons which contain VOL that, as stored, has a maximum true vapor pressure greater than or equal to 11.1 psia shall equip each storage vessel with a closed vent system and control device as specified in subsection (a)(4) above.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 218.121 Storage Containers of VPL

No person shall cause or allow the storage of any ~~vol~~ volatile petroleum liquid (VPL) with a vapor pressure of ~~17.24~~ 10.34 kpa (~~2-5~~ 1.5 psia) or greater at 294.3°K (70°F) or any gaseous organic material in any stationary tank, reservoir or other container of more than 151 cubic meters (40,000 gal) capacity unless such tank, reservoir or other container:

- a) Is a pressure tank capable of withstanding the vapor pressure of such liquid or the pressure of the gas, so as to prevent vapor or gas loss to the atmosphere at all times; or,
- b) Is designed and equipped with one of the following vapor loss control devices:
  - 1) A floating roof which rests on the surface of the ~~vol~~ VPL and is equipped with a closure seal or seals between the roof edge and the tank wall. Such floating roof shall not be permitted if the ~~vol~~ VPL has a vapor pressure of 86.19 kpa (12.5 psia) or greater at 294.3°K (70°F). No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling or maintenance operations.
  - 2) A vapor recovery system consisting of:
    - A) A vapor gathering system capable of collecting 85% or more of the uncontrolled VOM that would be otherwise emitted to the atmosphere; and,
    - B) A vapor disposal system capable of processing

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such VOM so as to prevent its emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.

- 3) Other equipment or means of equal efficiency approved by the Agency according to the provisions of 35 Ill. Adm. Code 201, and further processed consistent with Section 218.108.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 218.125

## Compliance Dates

Every owner or operator of a VOL or VPL storage vessel subject to the requirements of this Subpart shall comply with the requirements of this Subpart in accordance with the compliance schedule specified in the applicable subsection below:

- a) Every owner or operator of a VPL storage vessel of the type included in Sections 218.121, 218.123 and 218.124 of this Subpart shall have complied with the requirements of Sections 218.121, 218.123 and 218.124 by the date set forth in Section 218.106(a) or (b) of this Part.
  - 1) For fixed roof tanks (Section 218.120(a)(1) of this Subpart), by March 15, 1996.
  - 2) For internal floating roof tanks (Section 218.120(a)(2) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first.
  - 3) For external floating roof tanks (Section 218.120(a)(3) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first; and,
  - 4) For closed vent system and control device equipped tanks (Section 218.120(a)(4) of this Subpart), by
- b) Every owner or operator of a VOL storage vessel of the type identified in Section 218.119 of this Subpart shall comply with the requirements of Section 218.120 of this Subpart as follows:
  - 1) For fixed roof tanks (Section 218.120(a)(1) of this Subpart), by March 15, 1996.
  - 2) For internal floating roof tanks (Section 218.120(a)(2) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first.
  - 3) For external floating roof tanks (Section 218.120(a)(3) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first; and,
  - 4) For closed vent system and control device equipped tanks (Section 218.120(a)(4) of this Subpart), by

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March 15, 1996.

(Source: Added at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 218.127 Testing VOL Operations

The owner or operator of each storage vessel specified in Section 218.119 of this Subpart shall comply with the requirements of subsection (a), (b), or (c) below. The applicable subsection for a particular storage vessel depends on the control equipment installed to meet the requirements of this Subpart.

a) After installing the control equipment necessary for the source to comply with the requirements of Section 218.120(a)(1) or (2) of this Subpart (permanently affixed roof and internal floating roof), each owner or operator shall:

1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service) prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or if there is liquid accumulated on the roof, or if the seal is detached, or if there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may request a 30-day extension from the Agency in the inspection report required in Section 218.129(a)(3) of this Subpart. Such a request for an extension must document that alternate storage

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capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the vessel will be emptied within 30 days.

3) For vessels equipped with both primary and secondary seals

A) Visually inspect the vessel as specified in subsection (a)(4) below at least every 5 years; or

B) Visually inspect the vessel as specified in subsection (a)(2) above.

4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal, or if the seal fabric or the secondary seal has holes, tears, or other openings in the seal, or if the seal fabric or the gaskets no longer close off the liquid surfaces from the atmosphere, or if the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in subsections (a)(2) and (a)(3)(B) above and at intervals no greater than 5 years in the case of vessels specified in subsection (a)(3)(A) above.

5) Notify the Agency in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by subsections (a)(1) and (a)(4) above to afford the Agency the opportunity to have an observer present. If the inspection required by subsection (a)(4) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least



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7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.

b) The owner or operator of external floating roof tanks shall:

1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel.

A) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

B) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

C) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of subsections (b)(1)(A) and (b)(1)(B) above.

2) Determine gap widths and areas in the primary and secondary seals individually according to the following procedures:

A) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports;

B) Measure seal gaps around the entire circumference of the tank in each place where a 1/8 inch in diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the

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circumferential distance of each such location; and

C) Determine the total surface area of each gap described in subsection (b)(2)(B) above by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the tank and compare each ratio to the respective standards in subsection (b)(4) below.

4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in subsections (b)(4)(A) and (B) below:

A) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 10 in.<sup>2</sup> per foot of tank diameter, and the width of any portion of any gap shall not exceed 1.5 in. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

B) The secondary seal is to meet the following requirements:

i) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subsection (b)(2)(C) above.

ii) The accumulated area of gaps between the tank wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed 1.0 in.<sup>2</sup> per foot of tank diameter, and the width of any portion of any gap shall not exceed 0.5 in. There shall be no gaps between the tank

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wall and the secondary seal when used in combination with a vapor mounted primary seal.

- iii) There are to be no holes, tears, or other openings in the seal or seal fabric.

- c) If a failure that is detected during inspections required in Section 218.127(b)(1) of this Subpart cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may request a 30-day extension from the Agency in the inspection report required in Section 218.129(b)(4) of this Subpart. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

- 5) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(1) above to afford the Agency the opportunity to have an observer present.

- 6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

- A) If the external floating roof has defects, if the primary seal has holes, tears, or other openings in the seal or the seal fabric, or if the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the storage vessel with VOL.

- B) For all the inspections required by subsection (b)(6) above, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Agency the opportunity to inspect the

storage vessel prior to refilling. If the inspection required by subsection (b)(6) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.

- c) The owner or operator of each source that is equipped with a closed vent system and control device as required in Section 218.120(a)(4) of this Subpart (other than a flare) shall:

- 1) Submit for approval by the Agency an operating plan containing the information listed below:

- A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOM content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this rule, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816°C is used to meet the 95 percent requirements, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph; and



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- B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

- 2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Agency in accordance with subsection (c)(1) above, unless the plan was modified by the Agency during the review process. In this case, the modified plan applies.

- d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements of Section 218.120(a)(4) of this Subpart shall meet the requirements specified in the general control device requirements of 40 CFR 60.18(e) and (f), incorporated by reference at Section 218.112(d) of this Part.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 218.128 Monitoring VOL Operations

- a) Except as provided in subsection (d) below, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

- b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

- 1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

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- 2) For other liquids, the vapor pressure:

- A) Determined by ASTM Method D2879-83, incorporated by reference at Section 218.112(a)(1) of this Part;

- B) Measured by an appropriate method approved by the Agency and USEPA; or

- C) Calculated by an appropriate method approved by the Agency and USEPA.

- c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

- 1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b) above.

- 2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in Section 218.119 of this Subpart, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

- A) ASTM Method D2879-83, incorporated by reference at Section 218.112(a)(1) of this Part; or

- B) ASTM Method D323-82, incorporated by reference at Section 218.112(a)(25) of this Part; or

- C) As measured by an appropriate method approved Agency.

- d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 218.120 of this Subpart is exempt from the requirements of subsections (a) and (b) above.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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Section 218.129 Recordkeeping and Reporting for VOL Operations

The owner or operator of each storage vessel specified in Section 218.120(a) of this Subpart shall maintain records and furnish reports as required by subsection (a), (b), or (c) below as appropriate for the control equipment installed to meet the requirements of Section 218.120. The owner or operator shall keep copies of all reports and records required by this Section, except for the records required by subsection (c)(1) below, for at least 3 years. The records required by subsection (c)(1) below shall be kept for the life of the control equipment.

a) After installing control equipment in accordance with Section 218.120(a)(1) or (2) of this Subpart (fixed roof and internal floating roof), the owner or operator shall:

- 1) Furnish the Agency with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 218.120(a)(1) and 218.127(a)(1) of this Subpart;
- 2) Keep a record of each inspection performed as required by Sections 218.127(a)(1), (a)(2), (a)(3), and (a)(4) of this Subpart. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings);
- 3) If any of the conditions described in Section 218.127(a)(2) of this Subpart are detected during the annual visual inspection required by Section 218.127(a)(2), report to the Agency within 30 days of the inspection. The identity of the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made; and
- 4) After each inspection required by Section 218.127(a)(3) of this Subpart where holes or tears in the seal or seal fabric, or defects in the

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internal floating roof, or other control equipment defects listed in Section 218.127(a)(3)(B) of this Subpart are discovered, report to the Agency within 30 days of the inspection the identity of the storage vessel and the reason it did not meet the specifications of Section 218.120(a)(1) or (2) or Section 218.127(a) of this Subpart, and list each repair made.

b) After installing control equipment in accordance with Section 218.120(a)(3) of this Subpart (external floating roof), the owner or operator shall:

- 1) Furnish the Agency with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 218.120(a)(3) and 218.127(b)(2), (b)(3), and (b)(4) of this Subpart;
- 2) Within 60 days of performing the seal gap measurements required by Section 218.127(b)(1) of this Subpart, furnish the Agency with a report that contains:
  - A) The date of measurement;
  - B) The raw data obtained in the measurement; and
  - C) The calculations of this Subpart described in Section 218.127(b)(2) and (b)(3) of this Subpart;
- 3) Maintain records of each gap measurement performed as required by Section 218.127(b) of this Subpart. Such records shall identify the storage vessel in which the measurement was performed and shall contain:
  - A) The date of measurement;
  - B) The raw data obtained in the measurement; and
  - C) The calculations described in Section 218.127(b)(2) and (b)(3) of this Subpart;
- 4) After each seal gap measurement that detects gaps exceeding the limitations specified by Section 218.127(b)(4) of this Subpart, submit a report to the Agency within 30 days of the inspection



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identifying the vessel and containing the information specified in subsection (b)(2) above and the date the vessel was emptied or the repairs were made and the date of repair.

- c) After installing control equipment in accordance with Section 218.127(a)(4) or (b)(1) of this Subpart (closed vent system and control device other than a flare), the owner or operator shall maintain the following records:

- 1) A copy of the operating plan; and
- 2) The measured values of the parameters monitored in accordance with Section 218.127(c)(2) of this Subpart.

- d) After installing a closed vent system and flare to comply with Section 218.127 of this Subpart, the owner or operator shall:

- 1) Provide the Agency with a report containing the measurements required by 40 CFR 60.118 (f)(1), (2), (3), (4), (5), and (6), incorporated by reference at Section 218.112(d) of this Part, within 6 months of the initial start-up date;
- 2) Maintain records of all periods of operation during which the flare pilot flame is absent; and
- 3) Report semiannually all periods recorded under 40 CFR 60.115(b)(d)(2), incorporated by reference at Section 218.112(d) of this Part, in which the pilot flame was absent.

- e) The owner or operator shall maintain all records required by this Section, except for the records required by subsection (f) below, for at least 3 years. The records required by subsection (f) below shall be kept for the life of the source.

- f) The owner or operator of each storage vessel specified in Section 218.119 of this Subpart shall maintain readily accessible records of the dimension of the storage vessel and an analysis of the capacity of the storage vessel. Each storage vessel with a design capacity less than 40,000 gallons is subject to no provision of this rule other than those required by Section 218.128 of this Subpart.

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- g) Except as provided in Section 218.128 (c) and (d) of this Subpart, the owner or operator of each storage vessel subject to the requirements in Section 218.120 with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure greater than or equal to 0.5 psia but less than 0.75 psia shall maintain a record of the VOL storage, the period of storage, and the maximum true vapor pressure of the VOL during the respective storage period.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART V: AIR OXIDATION PROCESSES

## Section 218.520 Emission Limitations for Air Oxidation Processes

- a) No person shall cause or allow the emission of VOM from any process vent stream unless the process vent stream is vented to a combustion device which is designed and operated either:

- 1) To reduce the volatile organic emissions vented to it with an efficiency of at least ninety eight percent (98%) by weight; or

- 2) To emit VOM at a concentration less than twenty parts per million by volume, dry basis.

- b) 1) Notwithstanding (a) above, and subject to (b)(2) below, no person shall cause or allow the emissions of VOM through an existing combustion device at an phthalic anhydride air oxidation process, unless the combustion device is operated to achieve:

- A) 90% control of the volatile organic emissions vented to it; or
- B) VOM emissions concentration of less than 50 parts per million by volume, dry basis.

- 2) A air oxidation process vent stream for which an Any existing combustion device subject to (b) above is employed to control process VOM emissions is not required to meet the 98 percent emissions limit until set forth in subsection (a) above

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either upon replacing the combustion device is replaced for any other reasons, which shall be considered to including, but not be limited to, normal maintenance, malfunction, accident, and obsolescence, or the date of December 31, 1999, whichever comes first. The A combustion device is considered to be replaced when

- 1A) All of the device is replaced; or
- 2B) When the cost of the repair of the device or the cost of replacement of part of the device exceeds 50% of the cost of replacing the entire device with a device which complies.
- c) The limitations of subsection (a) above shall ~~de not~~ apply to any process vent stream or combination of process vent streams which has with a Total Resource Effectiveness Index (TRE) ~~greater~~ less than 4.0 or equal to 6.0. TRE shall be as determined by the following methods:

- 1) If an air oxidation process has more than one process vent stream, the TRE shall be the more stringent of either the TRE based upon a combination of the process vent streams or the TRE based upon each individual process vent stream.
- 2) The TRE of a process vent stream and the TRE of a combination of process vent streams, whichever is applicable, shall be determined according to the following equation:

$$TRE = \frac{E^1}{fF^{0.5}} \{a + bF^n + cF + dFH + e(FH)^n +$$

where:

$$n = 0.88;$$

$$TRE = \text{Total resource effectiveness index};$$

$$F = \text{Vent stream flowrate (scm/min), at a standard temperature of } 20^\circ\text{C};$$

$$E = \text{Hourly measured emissions in kg/hr};$$

$$H = \text{Net heating value of vent stream}$$

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(MJ/scm), where the net enthalpy per mole of offgas is based on combustion at  $25^\circ\text{C}$  and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is  $20^\circ\text{C}$ , as in the definition of "Flow";

a, b, c,  
d, e  
and f =

Coefficients obtained by use of Appendix D.

- 3) For nonchlorinated process vent streams, if the net heating value, H, is greater than 3.6 MJ/scm, F shall be replaced by F' for purposes of calculating TRE. F' is computed as follows:

$$F' = FH / 3.6$$

where F and H are as defined in subsection (c) (2) of this Section.

- 4) The actual numerical values used in the equation described in subsection (c) (2) above shall be determined as follows:

A) All reference methods and procedures for determining the flow, (F), hourly emissions, (E), and net heating, (H), value shall be in accordance with Appendix C.

B) All coefficients described in subsection (c) (2) of this Section shall be in accordance with Appendix D.

(Source: Section 218.520 renumbered from Section 218.525 and amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 218.522 Savings Clause

The owner or operator of an air oxidation process with a TRE of 1.0 or less shall have complied with the requirements of Section 218.520 (a) of this Subpart by the dates set forth in Section 218.106 (a) and (b) of this Part. Sources that are subject to 218.520 (b) of this Subpart, which become subject to the control requirements of 218.520 (a) of this Subpart after the compliance dates set out in 218.106 (a) and (b) of this Part shall comply with the timetable set forth within Section 218.520 (b).



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(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 218.523 Compliance

The emissions limitations for air oxidation processes located in Section 218.520 (a) of this Subpart are applicable to air oxidation processes on the effective date of that Section.

a) An owner or operator of an air oxidation process with a TRE of 6.0 or less that is subject to the requirements of Section 218.520(a) of this Subpart on the effective date of that Section shall comply with the provisions of Section 218.520(a) by December 31, 1999, or upon startup of the emission unit, whichever comes first. This subsection does not supersede the Savings Clause rule in Section 218.522 of this Part.

b) An owner or operator of an air oxidation process that becomes subject to the requirements of Section 218.520(a) of this Subpart after the effective date of that Section shall comply with the requirements of Section 218.520(a) upon startup of the emission unit.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 218.524 Determination of Applicability

a) Sources subject to the requirements of Section 218.520(a) of this Subpart either through application of 218.520(c) of this Subpart or through continued application under 218.522 of this Subpart shall continue to be subject to the applicable limitations even if operations change so as to result in a TRE that is above that which initially made the regulation applicable to the source's operations.

b) Notwithstanding Section 218.520(c) of this Subpart, any air oxidation process that utilizes a combustion device to control process vent streams at any time shall maintain the process in compliance with the provisions of Section 218.520(a) of this Subpart at all times thereafter.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

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Section 218. Appendix C  
Reference Test Methods ~~For Air Oxidation Processes~~ and Procedures

## Introduction

This Appendix presents the reference methods and procedures required for implementing Reasonably Available Control Technology (RACT). Methods and procedures are identified for two types of RACT implementation:

- a) Determination of VOM destruction efficiency for evaluating compliance with the 98 weight percent VOM reduction or 20 ppmv emission limit specified in Sections 215.520 through 215.527 218.527 of this Part; and
- b) Determination of offgas flowrate, hourly emissions and stream net heating value for calculating TRE.

All reference methods identified in this Appendix refer to the reference methods specified at 40 CFR 60, Appendix A, incorporated by reference in Section 215.105 218.112 of this Part.

## VOM DESTRUCTION EFFICIENCY DETERMINATION

The following reference methods and procedures are required for determining compliance with the percent destruction efficiency specified in Sections 215.520 218.520 through 215.527 218.527 of this Part.

- a) Reference Method 1 or 1A for selection of the sampling site.  
The control device inlet sampling site for determination of vent stream molar composition or total organic compound destruction efficiency shall be prior to the inlet of any control device and after all recovery devices.
- b) Reference Methods 2, 2A, 2C or 2D for determination of the volumetric flowrate.
- c) Reference Method 3 to measure oxygen concentration of the air dilution correction. The emission sample shall be corrected to 3 percent oxygen.
- d) Reference Method 25 (a) to determine the concentration of total organic compounds (minus methane and ethane) in the control device outlet and total organic compound reduction efficiency of the control device.

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## TRE DETERMINATION

The following reference methods and procedures are required for determining the offgas flowrate, hourly emissions, and the net heating value of the gas combusted to calculate the vent stream TRE.

- a) Reference Method 1 or 1A for selection of the sampling site. The sampling site for the vent stream flowrate and molar composition determination prescribed in (b) and (c) shall be prior to the inlet of any combustion device, prior to any post-reactor dilution of the stream with air and prior to any post-reactor introduction of halogenated compounds into the vent stream. Subject to the preceding restrictions on the sampling site, it shall be after the final recovery device. If any gas stream other than the air oxidation vent stream is normally conducted through the recovery system of the affected facility, such stream shall be rerouted or turned off while the vent stream is sampled, but shall be routed normally prior to the measuring of the initial value of the monitored parameters for determining compliance with the recommended RACT. If the air oxidation vent stream is normally routed through any equipment which is not a part of the air oxidation process as defined in 35 Ill. Adm. Code 211-122 211.350 of this Part, such equipment shall be bypassed by the vent stream while the vent stream is sampled, but shall not be bypassed during the measurement of the initial value of the monitored parameters for determining compliance with Subpart V.

- b) The molar composition of the vent stream shall be determined using the following methods:

- 1) Reference Method 18 to measure the concentration of all organics, including those containing halogens, unless a significant portion of the compounds of interest are polymeric (high molecular weight), can polymerize before analysis or have low vapor pressures, in which case Reference Method 25(a) shall be used.
  - 2) ASTM D1946-67 (reapproved 1977), incorporated by reference in Section 215-105 218.112 of this Part, to measure the concentration of carbon monoxide and hydrogen.
  - 3) Reference Method 4 to measure the content of water vapor, if necessary.
- c) The volumetric flowrate shall be determined using Reference

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Method 2, 2A, 2C or 2D, as appropriate.

- d) The net heating value of the vent stream shall be calculated using the following equation:

$$H = K \sum_{i=1}^n C_i H_i$$

Where:

H = Net heating value of the sample, MJ/scm, where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C, as in the definition of F (vent stream flowrate) below.

K = Constant,  $1.740 \times 10^{-7}$  (1/ppm) (mole/scm) (MJ/kcal) where standard temperature for mole/scm is 20°C.

C<sub>i</sub> = Concentration of sample component i, reported on a wet basis, in ppm, as measured by Reference Method 18 or ASTM D1946-67 (reapproved 1977), incorporated by reference in Section 215-105 218.112 of this Part.

H<sub>i</sub> = Net heat of combustion of sample component i, kcal/mole based on combustion at 25°C and 760 mm Hg. If published values are not available or cannot be calculated, the heats of combustion of vent stream components are required to be determined using ASTM D2382-76, incorporated by reference in Section 215-105 218.112 of this Part.

- e) The emission rate of total organic compounds in the process vent stream shall be calculated using the following equation:

$$E = K \sum_{i=1}^n F_i C_i H_i$$

Where:

E = Emission rate of total organic compounds (minus methane and ethane) in the sample in kg/hr;

K = Constant  $2.494 \times 10^{-6}$  (1/ppm) (mole/scm) (kg/g) (min/hr), where standard temperature for (mole/scm) is 20°C;



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- Mi = Molecular weight of sample component i (g/mole);  
 F = Vent stream flowrate (scm/min), at a standard temperature of 20°C.

f) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Reference Method 18.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

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- 1) Heading of Part: Organic Material Emission Standards and Limitations for Metro East Area.

2) Code Citation: 35 Ill. Adm. Code 219

3) Section Numbers: Proposed Action:

219.119	New Section
219.120	New Section
219.121	Amendment
219.125	New Section
219.127	New Section
219.128	New Section
219.129	New Section
219.520	Renumber, Amendment
219.522	New Section
219.523	New Section
219.524	New Section
219.Appendix C	Amendment

4) Statutory Authority: [415 ILCS 5/27 and 28.5 (1992)]

5) A Complete Description of the Subjects and Issues Involved:

The rulemaking represents changes to two Subparts identified in Illinois November 15, 1993, submittal of the States' Rate of Progress Plan. Pursuant to this plan, Illinois obligated itself to adopt measures to reduce Volatile Organic Material emission levels by at least 15% of the 1990 base in the State's nonattainment areas. (See: 42 U.S.C. 7511 (b) (1) (1990)). This rulemaking will affect those business that engage in storage of volatile organic liquid or that have air oxidation processes. The changes to Subpart B, organic emissions from loading and storage operations, represent an effort to adopt federal guidance which Illinois has chosen to implement. The changes to Subpart V, air oxidation processes, reflect Illinois' attempt to tighten an existing rule.

6) Will this proposed rule(s) replace an emergency rule currently in effect?  
 \_\_\_ Yes \_\_\_ X No

7) Does this rulemaking contain an automatic repeal date?  
 \_\_\_ Yes \_\_\_ X No

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8) Does this proposed amendment, repealer contain incorporations by reference? X Yes \_\_\_ No

9) Are there any other proposed amendments pending on this Part? X Yes \_\_\_ No

Section Number	Proposed Action	Illinois Register Citation
219.101	Amendment	18 Ill. Reg. 9272
219.106	Amendment	18 Ill. Reg. 9272
219.112	Amendment	18 Ill. Reg. 7618
219.583	Amendment	18 Ill. Reg. 7618
219.585	Amendment	18 Ill. Reg. 7618
219.760	New Section	18 Ill. Reg. 9272
219.762	New Section	18 Ill. Reg. 9272
219.764	New Section	18 Ill. Reg. 9272
219.766	New Section	18 Ill. Reg. 9272
219.768	New Section	18 Ill. Reg. 9272
219.770	New Section	18 Ill. Reg. 9272
219.920	Amendment	18 Ill. Reg. 9272
219.940	Amendment	18 Ill. Reg. 9272
219.960	Amendment	18 Ill. Reg. 9272
219.980	Amendment	18 Ill. Reg. 9272
219.Appendix E	New Section	18 Ill. Reg. 9272

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3 (b) of the State Mandates Act [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R94-16 within 45 days of publication in the Illinois Register to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

and

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Kyle Nash Davis  
Assistant Counsel  
Illinois Environmental Protection Agency  
Bureau of Air  
P.O. Box 19276  
Springfield, IL 62794-9276

All comments should be clearly marked with the docket number R94-16. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062 or Kyle Nash Davis, Illinois Environmental Protection Agency at (217) 524-3333.

Public hearings are scheduled for August 4, 1994, at 10:30 a.m., James R. Thompson Center, 100 W. Randolph, Room 9-040, Chicago, Illinois and if necessary on September 2, and September 16, 1994 at the same time and location. Contact Diane O'Neill, hearing officer at (312) 814-6062 if interested in the hearings.

12) Initial Regulatory Flexibility Analysis:

No small businesses will be affected to a greater extent than allowed by current statutes and regulations. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 27, 1994

B) Types of small businesses affected: Those that engage in storage of volatile organic liquid or that have air oxidation processes.

C) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal. The recordkeeping and reporting requirements for Subpart V are the same as previously required; they have not been amended.

D) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

The full text of the Proposed Rule begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR  
METRO EAST AREA

## SUBPART A: GENERAL PROVISIONS

Section	Introduction
219.100	Savings Clause
219.101	Abbreviations and Conversion Factors
219.102	Applicability
219.103	Definitions
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AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat., 1991, ch. 111, par. 1010) (P.A. 87-1217, effective September 26, 1992) [415 ILCS 5/10 and 28.5 (1992)].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended at R91-23 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. at 1995, effective January 24, 1994; amended in \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

## Section 219.119 Applicability for VOL

The limitations of Section 219.120 of this Subpart shall apply to all storage containers of volatile organic liquid (VOL) with a maximum true vapor pressure of 0.75 psia or greater but less than 11.1 psia in any stationary tank, reservoir, or other container of more than 151 cubic meters (40,000 gal) capacity, except to vessels as provided below:

- a) Vessels with a capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true pressure of less than 0.5 psia;
- b) Vessels of coke oven by-product plants;
- c) Pressure vessels designed to operate in excess of 29.4 psia and without emissions to the atmosphere;
- d) Vessels permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships;
- e) Vessels storing petroleum liquids; or

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## f) Vessels used to store beverage alcohol.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 219.120 Control Requirements for Storage Containers of VOL

Every owner or operator subject to the requirements of this Subpart shall reduce VOM emissions from storage tanks, reservoirs, or other containers as follows:

- a) 1) Each fixed roof tank shall be equipped with an internal floating roof that meets the following specifications or that is equipped with a vapor control system that meets the specifications contained in subsection (a)(4) below:
  - A) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied and subsequently refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
- B) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:
  - i) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank;
  - ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between



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the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous; or

iiii) A mechanical shoe seal, which is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

C) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

D) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

E) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

F) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

G) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

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H) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

2) During the next scheduled tank cleaning or before March 15, 2004, whichever comes first, each internal floating roof tank shall meet the specifications set forth in subsection (a)(1)(A) through (H) above.

3) Each external floating roof tank shall meet the following specifications:

A) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) Except as provided in Section 219.127(b)(4) of this Subpart, the primary seal shall completely cover the annular space between the edge of the floating roof and tank wall and shall be either a liquid mounted seal or a shoe seal.

ii) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in Section 219.127(b)(4) of this Subpart.

iii) The tank shall be equipped with the closure device after the next scheduled tank cleaning, but no later than March 15, 2004.

B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained

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in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

C) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

4) A closed vent system and control device shall meet the following specifications:

A) The closed vent system shall be designed to collect all VOM vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined by the methods specified in 40 CFR 60.485(c), incorporated by reference at Section 219.112(d) of this Part.

B) The control device shall be designed and operated to reduce inlet VOM emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements of 40 CFR 60.18, incorporated by reference at Section 219.112(d) of this Part.

5) An alternative emission control plan equivalent to the requirements of subsection (a)(1), (a)(2), (a)(3), or (a)(4) above that has been approved by

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the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

b) The owner or operator of each storage vessel with a design capacity equal to or greater than 40,000 gallons which contain VOL that, as stored, has a maximum true vapor pressure greater than or equal to 11.1 psia shall equip each storage vessel with a closed vent system and control device as specified in subsection (a)(4) above.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 219.121 Storage Containers of VPL

No person shall cause or allow the storage of any VOL volatile petroleum liquid (VPL) with a vapor pressure of 17-24 10.34 kPa (2-5 1.5 psia) or greater at 294.3°K (70°F) or any gaseous organic material in any stationary tank, reservoir or other container of more than 151 cubic meters (40,000 gal) capacity unless such tank, reservoir or other container:

a) Is a pressure tank capable of withstanding the vapor pressure of such liquid or the pressure of the gas, so as to prevent vapor or gas loss to the atmosphere at all times; or,

b) Is designed and equipped with one of the following vapor loss control devices:

1) A floating roof which rests on the surface of the VOL VPL and is equipped with a closure seal or seals between the roof edge and the tank wall. Such floating roof shall not be permitted if the VOL VPL has a vapor pressure of 86.19 kPa (12.5 psia) or greater at 294.3°K (70°F). No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling or maintenance operations.

2) A vapor recovery system consisting of:

A) A vapor gathering system capable of collecting 85% or more of the uncontrolled VOM that would be otherwise emitted to the atmosphere; and,



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B) A vapor disposal system capable of processing such VOM so as to prevent its emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.

3) Other equipment or means of equal efficiency approved by the Agency according to the provisions of 35 Ill. Adm. Code 201, and further processed consistent with Section 219.108.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 219.125 Compliance Dates

Every owner or operator of a VOL or VPL storage vessel subject to the requirements of this Subpart shall comply with the requirements of this Subpart in accordance with the compliance schedule specified in the applicable subsection below:

a) Every owner or operator of a VPL storage vessel of the type included in Sections 219.121, 219.123 and 219.124 of this Subpart shall have complied with the requirements of Sections 219.121, 219.123 and 219.124 by the date set forth in Section 219.106(a) or (b) of this Part.

b) Every owner or operator of a VOL storage vessel of the type identified in Section 219.119 of this Subpart shall comply with the requirements of Section 219.120 of this Subpart as follows:

- 1) For fixed roof tanks (Section 219.120(a)(1) of this Subpart), by March 15, 1996.
- 2) For internal floating roof tanks (Section 219.120(a)(2) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first.
- 3) For external floating roof tanks (Section 219.120(a)(3) of this Subpart), either during the next scheduled tank cleaning or by March 15, 2004, whichever comes first; and.

4) For closed vent system and control device equipped tanks (Section 219.120(a)(4) of this Subpart), by March 15, 1996.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 219.127 Testing VOL Operations

The owner or operator of each storage vessel specified in Section 219.119 of this Subpart shall comply with the requirements of subsection (a), (b), or (c) below. The applicable subsection for a particular storage vessel depends on the control equipment installed to meet the requirements of this Subpart.

a) After installing the control equipment necessary for the source to comply with the requirements of Section 219.120(a)(1) or (2) of this Subpart (permanently affixed roof and internal floating roof), each owner or operator shall:

1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service) prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or if there is liquid accumulated on the roof, or if the seal is detached, or if there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may request a 30-day extension from the Agency in the inspection report required in section

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219.129(a)(3) of this Subpart. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the vessel will be emptied within 30 days.

3) For vessels equipped with both primary and secondary seals

A) Visually inspect the vessel as specified in subsection (a)(4) below at least every 5 years; or

B) Visually inspect the vessel as specified in subsection (a)(2) above.

4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal, or if the seal fabric or the secondary seal has holes, tears, or other openings in the seal, or if the seal fabric or the gaskets no longer close off the liquid surfaces from the atmosphere, or if the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in subsections (a)(2) and (a)(3)(B) above and at intervals no greater than 5 years in the case of vessels specified in subsection (a)(3)(A) above.

5) Notify the Agency in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by subsections (a)(1) and (a)(4) above to afford the Agency the opportunity to have an observer present. If the inspection required by subsection (a)(4) above is not planned and the owner or operator could not have known about the inspection

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30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.

b) The owner or operator of external floating roof tanks shall:

1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel.

A) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

B) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

C) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of subsections (b)(1)(A) and (b)(1)(B) above.

2) Determine gap widths and areas in the primary and secondary seals individually according to the following procedures:

A) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports;

B) Measure seal gaps around the entire circumference of the tank in each place where a 1/8 inch in diameter uniform probe passes freely (without forcing or binding against



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seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location; and

- C) Determine the total surface area of each gap described in subsection (b)(2)(B) above by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

- 3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the tank and compare each ratio to the respective standards in subsection (b)(4) below.

- 4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in subsections (b)(4)(A) and (B) below:

- A) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 10 in.<sup>2</sup> per foot of tank diameter, and the width of any portion of any gap shall not exceed 1.5 in. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

- B) The secondary seal is to meet the following requirements:

- i) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subsection (b)(2)(C) above.
- ii) The accumulated area of gaps between the tank wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed 1.0 in.<sup>2</sup> per foot of tank diameter, and the width of any portion

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of any gap shall not exceed 0.5 in. There shall be no gaps between the tank wall and the secondary seal when used in combination with a vapor mounted primary seal.

- iii) There are to be no holes, tears, or other openings in the seal or seal fabric.

- C) If a failure that is detected during inspections required in Section 219.127(b)(1) of this Subpart cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, the owner or operator may request a 30-day extension from the Agency in the inspection report required in Section 219.129(b)(4) of this Subpart. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

- 5) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(1) above to afford the Agency the opportunity to have an observer present.

- 6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

- A) If the external floating roof has defects, if the primary seal has holes, tears, or other openings in the seal or the seal fabric, or if the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the storage vessel with VOL.

- B) For all the inspections required by subsection (b)(6) above, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or

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refilling of each storage vessel to afford the Agency the opportunity to inspect the storage vessel prior to refilling. If the inspection required by subsection (b)(6) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.

c) The owner or operator of each source that is equipped with a closed vent system and control device as required in Section 219.120(a)(4) of this Subpart (other than a flare) shall:

1) Submit for approval by the Agency an operating plan containing the information listed below:

A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOM content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this rule, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816°C is used to meet the 95 percent requirements, documentation that

those conditions will exist is sufficient to meet the requirements of this paragraph; and

B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Agency in accordance with subsection (c)(1) above, unless the plan was modified by the Agency during the review process. In this case, the modified plan applies.

d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements of Section 219.120(a)(4) of this Subpart shall meet the requirements specified in the general control device requirements of 40 CFR 60.18(e) and (f), incorporated by reference at Section 219.112(d) of this Part.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 219.128 Monitoring VOL Operations

a) Except as provided in subsection (d) below, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based



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upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

- A) Determined by ASTM Method D2879-83, incorporated by reference at Section 219.112(a)(1) of this Part;
- B) Measured by an appropriate method approved by the Agency and USEPA; or
- C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

- 1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b) above.
- 2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in Section 219.119 of this Subpart, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

- A) ASTM Method D2879-83, incorporated by reference at Section 219.112(a)(1) of this Part; or
- B) ASTM Method D323-82, incorporated by reference at Section 219.112(a)(25) of this Part; or
- C) As measured by an appropriate method approved Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 219.120 of this Subpart is

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exempt from the requirements of subsections (a) and (b) above.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 219.129 Recordkeeping and Reporting for VOL Operations

The owner or operator of each storage vessel specified in Section 219.120(a) of this Subpart shall maintain records and furnish reports as required by subsection (a), (b), or (c) below as appropriate for the control equipment installed to meet the requirements of Section 219.120. The owner or operator shall keep copies of all reports and records required by this Section, except for the records required by subsection (c)(1) below, for at least 3 years. The records required by subsection (c)(1) below shall be kept for the life of the control equipment.

a) After installing control equipment in accordance with Section 219.120(a)(1) or (2) of this Subpart (fixed roof and internal floating roof), the owner or operator shall:

- 1) Furnish the Agency with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 219.120(a)(1) and 219.127(a)(1) of this Subpart;
- 2) Keep a record of each inspection performed as required by Sections 219.127(a)(1), (a)(2), (a)(3), and (a)(4) of this Subpart. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings);
- 3) If any of the conditions described in Section 219.127(a)(2) of this Subpart are detected during the annual visual inspection required by Section 219.127(a)(2), report to the Agency within 30 days of the inspection. The identity of the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made; and

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4) After each inspection required by Section 219.127(a)(3) of this Subpart where holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in Section 219.127(a)(3)(B) of this Subpart are discovered, report to the Agency within 30 days of the inspection the identity of the storage vessel and the reason it did not meet the specifications of Section 219.120(a)(1) or (2) or Section 219.127(a) of this Subpart, and list each repair made.

b) After installing control equipment in accordance with Section 219.120(a)(3) of this Subpart (external floating roof), the owner or operator shall:

- 1) Furnish the Agency with a report that describes the control equipment and certify that the control equipment meets the specifications of Sections 219.120(a)(3) and 219.127(b)(2), (b)(3), and (b)(4) of this Subpart;
- 2) Within 60 days of performing the seal gap measurements required by Section 219.127(b)(1) of this Subpart, furnish the Agency with a report that contains:
  - A) The date of measurement;
  - B) The raw data obtained in the measurement; and
  - C) The calculations of this Subpart described in Section 219.127(b)(2) and (b)(3) of this Subpart;
- 3) Maintain records of each gap measurement performed as required by Section 219.127(b) of this Subpart. Such records shall identify the storage vessel in which the measurement was performed and shall contain:
  - A) The date of measurement;
  - B) The raw data obtained in the measurement; and
  - C) The calculations described in Section 219.127(b)(2) and (b)(3) of this Subpart;

4) After each seal gap measurement that detects gaps exceeding the limitations specified by Section 219.127(b)(4) of this Subpart, submit a report to the Agency within 30 days of the inspection identifying the vessel and containing the information specified in subsection (b)(2) above and the date the vessel was emptied or the repairs were made and the date of repair.

c) After installing control equipment in accordance with Section 219.127(a)(4) or (b)(1) of this Subpart (closed vent system and control device other than a flare), the owner or operator shall maintain the following records:

- 1) A copy of the operating plan; and
  - 2) The measured values of the parameters monitored in accordance with Section 219.127(c)(2) of this Subpart.
- d) After installing a closed vent system and flare to comply with Section 219.127 of this Subpart, the owner or operator shall:

- 1) Provide the Agency with a report containing the measurements required by 40 CFR 60.118 (f)(1), (2), (3), (4), (5), and (6), incorporated by reference at Section 219.112(d) of this Part, within 6 months of the initial start-up date;
- 2) Maintain records of all periods of operation during which the flare pilot flame is absent; and
- 3) Report semiannually all periods recorded under 40 CFR 60.115(b)(d)(2), incorporated by reference at Section 219.112(d) of this Part, in which the pilot flame was absent.

e) The owner or operator shall maintain all records required by this section, except for the records required by subsection (f) below, for at least 3 years. The records required by subsection (f) below shall be kept for the life of the source.

f) The owner or operator of each storage vessel specified in Section 219.119 of this Subpart shall maintain readily accessible records of the dimension of the storage vessel and an analysis of the capacity of the storage vessel. Each storage vessel with a design



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capacity less than 40,000 gallons is subject to no provision of this rule other than those required by Section 219.128 of this Subpart.

- g) Except as provided in Section 219.128 (c) and (d) of this Subpart, the owner or operator of each storage vessel subject to the requirements in Section 219.120 with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure greater than or equal to 0.5 psia but less than 0.75 psia shall maintain a record of the VOL storage, the period of storage, and the maximum true vapor pressure of the VOL during the respective storage period.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## SUBPART V: AIR OXIDATION PROCESSES

## Section 219.520 Emission Limitations for Air Oxidation Processes

- a) No person shall cause or allow the emission of VOM from any process vent stream unless the process vent stream is vented to a combustion device which is designed and operated either:
- 1) To reduce the volatile organic emissions vented to it with an efficiency of at least ninety eight percent (98%) by weight; or
  - 2) To emit VOM at a concentration less than twenty parts per million by volume, dry basis.
- b) 1) Notwithstanding (a) above, and subject to (b)(2) below, no person shall cause or allow the emissions of VOM through an existing combustion device at an phthalic anhydride air oxidation process, unless the combustion device is operated to achieve:
- A) 90% control of the volatile organic emissions vented to it; or
  - B) VOM emissions concentration of less than 50 parts per million by volume, dry basis.

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- 2) ~~A air oxidation process vent stream for which an~~  
~~Any existing combustion device subject to (b)~~  
~~above is employed to control process VOM emissions~~  
~~is not required to meet the 98 percent emissions~~  
~~limit until set forth in subsection (a) above~~  
~~either upon replacing the combustion device is~~  
~~replaced for any other reasons, which shall be~~  
~~considered to including, but not be limited to,~~  
~~normal maintenance, malfunction, accident, and~~  
~~obsolescence, or the date of December 31, 1999,~~  
~~whichever comes first. The A combustion device is~~  
~~considered to be replaced when~~

~~2A) All of the device is replaced; or~~

~~2B) When the cost of the repair of the device or the cost of replacement of part of the device exceeds 50% of the cost of replacing the entire device with a device which complies.~~

- c) The limitations of subsection (a) above shall ~~do not~~ apply to any process vent stream or combination of process vent streams which has with a Total Resource Effectiveness Index (TRE) ~~greater~~ less than 1-0 or equal to 6.0. TRE shall be as determined by the following methods:

1) If an air oxidation process has more than one process vent stream, the TRE shall be the more stringent of either the TRE based upon a combination of the process vent streams or the TRE based upon each individual process vent stream.

2) The TRE of a process vent stream and the TRE of a combination of process vent streams, whichever is applicable, shall be determined according to the following equation:

$$TRE = E^{-1} [a + bF^n + cF + dFH + e(FH)^2 + fF^{0.5}]$$

where:

$$n = 0.88;$$

$$TRE = \text{Total resource effectiveness index;}$$

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F = Vent stream flowrate (scm/min), at a standard temperature of 20°C;

E = Hourly measured emissions in kg/hr;

H = Net heating value of vent stream (MJ/scm), where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C, as in the definition of "Flow";

a, b, c,  
d, e

and f = Coefficients obtained by use of Appendix D.

- 3) For nonchlorinated process vent streams, if the net heating value, H, is greater than 3.6 MJ/scm, F shall be replaced by F' for purposes of calculating TRE. F' is computed as follows:

$$F' = FH / 3.6$$

where F and H are as defined in subsection (c) (2) of this Section.

- 4) The actual numerical values used in the equation described in subsection (c) (2) above shall be determined as follows:

- A) All reference methods and procedures for determining the flow, (F), hourly emissions, (E), and net heating, (H), value shall be in accordance with Appendix C.
- B) All coefficients described in subsection (c) (2) of this Section shall be in accordance with Appendix D.

(Source: Section 219.520 renumbered from Section 218.525 and amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 219.522 Savings Clause

The owner or operator of an air oxidation process with a TRE of 1.0 or less shall have complied with the requirements of Section 219.520 (a) of this Subpart by the dates set forth in Section

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219.106 (a) and (b) of this Part. Sources that are subject to 219.520 (b) of this Subpart, which become subject to the control requirements of 219.520 (a) of this Subpart after the compliance dates set out in 219.106 (a) and (b) of this Part shall comply with the timetable set forth within Section 219.520 (b).

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 219.523 Compliance

The emissions limitations for air oxidation processes located in Section 219.520 (a) of this Subpart are applicable to air oxidation processes on the effective date of that Section.

- a) An owner or operator of an air oxidation process with a TRE of 6.0 or less that is subject to the requirements of Section 219.520(a) of this Subpart on the effective date of that Section shall comply with the provisions of Section 219.520(a) by December 31, 1999, or upon startup of the emission unit, whichever comes first. This subsection does not supersede the Savings Clause rule in Section 219.522 of this Part.

- b) An owner or operator of an air oxidation process that becomes subject to the requirements of Section 219.520(a) of this Subpart after the effective date of that Section shall comply with the requirements of Section 219.520(a) upon startup of the emission unit.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 219.524 Determination of Applicability

- a) Sources subject to the requirements of Section 219.520(a) of this Subpart either through application of 219.520(c) of this Subpart or through continued application under 219.522 of this Subpart shall continue to be subject to the applicable limitations even if operations change so as to result in a TRE that is above that which initially made the regulation applicable to the source's operations.

- b) Notwithstanding Section 219.520(c) of this Subpart, any air oxidation process that utilizes a combustion device to control process vent streams at any time shall maintain the process in compliance with the provisions



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of Section 219.520(a) of this Subpart at all times thereafter.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 219. Appendix C

Reference ~~Test~~ Methods for Air Oxidation ~~Processes~~ and Procedures

## Introduction

This Appendix presents the reference methods and procedures required for implementing Reasonably Available Control Technology (RACT). Methods and procedures are identified for two types of RACT implementation:

- a) Determination of VOM destruction efficiency for evaluating compliance with the 98 weight percent VOM reduction or 20 ppmv emission limit specified in Sections 215.520 219.520 through 215.527 219.527 of this Part; and
- b) Determination of offgas flowrate, hourly emissions and stream net heating value for calculating TRE.

All reference methods identified in this Appendix refer to the reference methods specified at 40 CFR 60, Appendix A, incorporated by reference in Section 215.105 219.112 of this Part.

## VOM DESTRUCTION EFFICIENCY DETERMINATION

The following reference methods and procedures are required for determining compliance with the percent destruction efficiency specified in Sections 215.520 219.520 through 215.527 219.527 of this Part.

- a) Reference Method 1 or 1A for selection of the sampling site. The control device inlet sampling site for determination of vent stream molar composition or total organic compound destruction efficiency shall be prior to the inlet of any control device and after all recovery devices.
- b) Reference Methods 2, 2A, 2C or 2D for determination of the volumetric flowrate.
- c) Reference Method 3 to measure oxygen concentration of the air dilution correction. The emission sample shall be corrected to 3 percent oxygen.

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- d) Reference Method 25 (a) to determine the concentration of total organic compounds (minus methane and ethane) in the control device outlet and total organic compound reduction efficiency of the control device.

## TRE DETERMINATION

The following reference methods and procedures are required for determining the offgas flowrate, hourly emissions, and the net heating value of the gas combusted to calculate the vent stream TRE.

- a) Reference Method 1 or 1A for selection of the sampling site. The sampling site for the vent stream flowrate and molar composition determination prescribed in (b) and (c) shall be prior to the inlet of any combustion device, prior to any post-reactor dilution of the stream with air and prior to any post-reactor introduction of halogenated compounds into the vent stream. Subject to the preceding restrictions on the sampling site, it shall be after the final recovery device. If any gas stream other than the air oxidation vent stream is normally conducted through the recovery system of the affected facility, such stream shall be rerouted or turned off while the vent stream is sampled, but shall be routed normally prior to the measuring of the initial value of the monitored parameters for determining compliance with the recommended RACT. If the air oxidation vent stream is normally routed through any equipment which is not a part of the air oxidation process as defined in 35 Ill. Adm. Code 211.122 211.350 of this Part, such equipment shall be bypassed by the vent stream while the vent stream is sampled, but shall not be bypassed during the measurement of the initial value of the monitored parameters for determining compliance with Subpart V.

- b) The molar composition of the vent stream shall be determined using the following methods:

- 1) Reference Method 18 to measure the concentration of all organics, including those containing halogens, unless a significant portion of the compounds of interest are polymeric (high molecular weight), can polymerize before analysis or have low vapor pressures, in which case Reference Method 25(a) shall be used.
- 2) ASTM D1946-67 (reapproved 1977), incorporated by reference in Section 215.105 219.112 of this Part, to measure the concentration of carbon monoxide and hydrogen.

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- 3) Reference Method 4 to measure the content of water vapor, if necessary.
- c) The volumetric flowrate shall be determined using Reference Method 2, 2A, 2C or 2D, as appropriate.
- d) The net heating value of the vent stream shall be calculated using the following equation:

$$H = K \sum_{i=1}^n C_i H_i$$

Where:

H = Net heating value of the sample, MJ/scm, where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C, as in the definition of F (vent stream flowrate) below.

K = Constant,  $1.740 \times 10^{-7}$  (1/ppm) (mole/scm) (MJ/kcal) where standard temperature for mole/scm is 20°C.

C<sub>i</sub> = Concentration of sample component i, reported on a wet basis, in ppm, as measured by Reference Method 18 or ASTM D1946-67 (reapproved 1977), incorporated by reference in Section 215-105 219.112 of this Part.

H<sub>i</sub> = Net heat of combustion of sample component i, kcal/mole based on combustion at 25°C and 760 mm Hg. If published values are not available or cannot be calculated, the heats of combustion of vent stream components are required to be determined using ASTM D2382-76, incorporated by reference in Section 215-105 219.112 of this Part.

- e) The emission rate of total organic compounds in the process vent stream shall be calculated using the following equation:

$$E = K \sum_{i=1}^n F_i C_i H_i$$

Where:

E = Emission rate of total organic compounds (minus methane and ethane) in the sample in kg/hr;

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- K = Constant  $2.494 \times 10^{-6}$  (1/ppm) (mole/scm) (kg/g) (min/hr), where standard temperature for (mole/scm) is 20°C;
- M<sub>i</sub> = Molecular weight of sample component i (g/mole);
- F = Vent stream flowrate (scm/min), at a standard temperature of 20°C.

- f) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Reference Method 18.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) Section Numbers:

	<u>Proposed Action:</u>
1380.210	Amendment
1380.240	Amendment
1380.250	Amendment
1380.260	Amendment
1380.APPENDIX A	
- 4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325].
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking amends content pertaining to the examination for professional engineers, approved engineering programs and application requirements.

The Department administers the examination provided by the National Council of Examiners for Engineering and Surveying (NCEES). NCEES has changed the scoring of the examination to pass/fail. Previously, a score of 70 or better was required.

These proposed amendments also establish that a candidate who fails an examination may not review his/her examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted. If an applicant has failed an examination, the examination may not be waived for licensure.

Section 12(c) of the Act lists circumstances under which an individual applying for licensure as a professional engineer can have the examination for the fundamentals of engineering waived if the application was made before January 1, 1994. Since that deadline has expired, waiver information was removed from the application Section of the rules and placed in Appendix A with other historical material to be used when considering future applications for licensure by endorsement.

Professional engineer and engineer intern applicants for examination will be required to file applications with the Department by November 15 for the spring examination and by May 15 for the fall examination. Currently the filing deadlines are December 15 and June 15. The dates are being moved up because NCEES has moved up the dates by which the examinations must be ordered.

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In the Section pertaining to approved engineering programs, the rules provide that all engineering programs accredited by or determined equivalent by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (ABET) are approved in this State.

Engineering programs determined equivalent by the Engineering Accreditation Commission of ABET include, but are not limited to, those accredited by the Canadian Engineering Accreditation Board of the Canadian Council of Professional Engineers; the Engineering Council (United Kingdom with certain Chartered Engineering Institutions); the Institution of Engineers of Ireland; the Institution of Engineers, Australia; and the Institution of Professional Engineers, New Zealand.

Other proposed changes involve style and form.

- 6) Will these proposed amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):  
This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing professional engineers.

B) Reporting, bookkeeping or other procedures required for compliance:

Applicants for licensure by examination will need to file their applications a month earlier than in the past.

C) Types of professional skills necessary for compliance:

Professional engineering skills are necessary for licensure.

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1380

## THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section	
1380.210	Approved Engineering Program
1380.220	Definition of Degree in Basic Engineering or Related Science
1380.230	Approved Experience
1380.240	Application for Enrollment as an Engineer Intern by Examination
1380.250	Application for Licensure as a Professional Engineer by Examination
1380.260	Examination
1380.270	Restoration
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Corporations and Partnerships
1380.300	Standards of Professional Conduct
1380.310	Renewals
1380.320	Granting Variances
1380.Appendix A	Significant Dates for the Administration of Section 19 of the Act - Endorsement

**AUTHORITY:** Implementing The Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of The Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended



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at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1380.210 Approved Engineering Program

a) The Department of Professional Regulation shall, upon the recommendation of the State Board of Professional Engineers (the "Board"), approve an engineering program as reputable and in good standing if it meets the following minimum criteria:

1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering.

2) Faculty:

A) ~~Has a~~ The faculty ~~which is comprised of~~ shall have a sufficient number of full-time, or full-time equivalent, instructors to make certain that the educational obligations to the student are fulfilled. A program at the basic level shall have no fewer than ~~three~~ 3 full-time faculty members whose primary commitment is to that program. If an institution relies on part-time faculty members, it shall demonstrate that, in addition to the commitment of at least 3 full-time equivalent faculty members, effective mechanisms are in place to provide adequate levels of student advising and faculty interaction, and faculty control over the curriculum.

B) The faculty shall have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions. Other evidence of faculty capability includes non-academic engineering experience, experience in teaching, ability to communicate effectively, participation in professional, scientific and other learned societies, licensure as a professional engineer and an interest in students' curricular activities.

C) Teaching loads shall allow time for research and professional development activities. Stimulation of students' minds requires faculty involvement in scientific and technological development and in instructional innovation.

3) Curriculum:

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A) ~~Has a~~ The curriculum ~~of~~ shall include at least 4 academic years leading to the awarding of the baccalaureate degree ~~which provides~~ while providing integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.

B) The overall curriculum shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects:

Mathematics (beyond trigonometry) - 15 hours.

Basic Sciences (Physics/Chemistry) - 15 hours.

Engineering Sciences - 30 hours.

Engineering Design - 15 hours.

Humanities/Social Sciences - 15 hours.

C) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics shall also include, but shall not be limited to, the study of probability, statistics, numerical analysis, and advanced calculus. Courses in computer usage and/or programming shall not be used to satisfy the mathematics requirement.

D) Basic sciences shall include basic physics and chemistry, and may also include life sciences, earth sciences, and/or advanced physics and chemistry, as appropriate to the engineering discipline being studied.

E) Engineering sciences have their roots in mathematics and basic sciences, but carry the knowledge toward creative application. Such subjects include, but are not limited to, mechanics, thermodynamics, electric and electronic circuits, material science, and other subjects depending upon the engineering discipline.

F) Engineering design involves the conversion of resources to predetermined objectives. Course requirements shall include the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation which develop student creativity through open-ended problems and consideration of alternative solutions. The inclusion of realistic constraints, such as economic factors, safety, aesthetics, ethics, and social impact is appropriate. Examples of subjects

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in these areas include design of circuits, machines, power networks, process equipment and systems; and water treatment.

- G) Humanities and social sciences are, respectively, the branches of knowledge that concern man and his culture, and that concern individual relationships in and to society. Examples of subjects in these areas are philosophy, history, literature, fine arts, religion, sociology, psychology, political science, economics; and foreign languages (other than a student's native language). Non-traditional courses might include social responsibility and professional ethics. Subjects such as accounting and management may be acceptable engineering electives, but do not satisfy the objectives of this area.
- H) Laboratory experience is essential to an engineering education at both theoretical and practical levels.
- I) Computer-based experience shall be included in the program of each student. The program shall include technical computations, problem solving, data acquisition and usage, process control, and computer-assisted design. The student shall have access to computational facilities in order to integrate these techniques into the program.
- J) The program shall require that the student demonstrate competency in both written and oral communication.
- K) An understanding of ethical, social, economic; and safety considerations shall be included in the engineering program.
- L) For those institutions that elect to prepare a student to enter the profession at the advanced level, the curriculum shall satisfy the criteria set forth in this Section at the basic level, and shall include at least one year of additional study. That year shall include at least 2/3 of a year of advanced mathematics, basic sciences, engineering sciences, and engineering design. Of this component, at least 1/3 of a year shall be devoted to engineering design. The program shall be designed toward a meaningful individual course of study; and include thesis, research; and/or special projects.

## 4) Facilities:

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- A) The laboratory facilities shall reflect the requirements of the offered educational program. The laboratory should provide for individual project work by the students and the faculty. The facilities shall be equipped with instruments and scientific equipment of a kind and quality to ensure the effective functioning of the laboratory.
- B) The libraries in support of the engineering program shall be both technical and nontechnical, to include books, journals; and other reference material for collateral reading in connection with the instructional and research programs and professional work. The library collection shall reflect the existence of an active acquisition policy; this policy shall include specific acquisitions on the request and recommendation of the faculty of the engineering program. There shall be computer-accessible information centers and inter-library loan services for both books and journals. The library collections, whether centralized or decentralized, shall be readily available for use with the assistance of a trained library staff, or through an open-stack arrangement, or both.
- C) There shall be computer facilities accessible to the engineering students and faculty.
- 5) The institution shall maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Accreditation Board for Engineering and Technology (ABET) ~~or by the Canadian Engineering Accrediting Board.~~
- c) The Department, upon the recommendation of the Board, has determined that all engineering programs accredited by or determined equivalent by the Engineering Accreditation Commission of ABET ~~the Accreditation Board for Engineering and Technology and the Canadian Engineering Accrediting Board~~ meet the minimum criteria set forth in subsection (a), above, for an approved engineering program and are, therefore, approved. Engineering programs determined equivalent by the Engineering Accreditation Commission of ABET include, but are not limited to, those accredited by:



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- 1) The Canadian Engineering Accreditation Board of the Canadian Council of Professional Engineers;
- 2) The Engineering Council (United Kingdom with certain Chartered Engineering Institutions);
- 3) The Institution of Engineers of Ireland;
- 4) The Institution of Engineers, Australia; and
- 5) The Institution of Professional Engineers, New Zealand.

d) Withdrawal of Program Approval

- 1) The following are grounds for withdrawal of approval of an engineering program or a program leading to a degree in basic engineering.

A) Non-compliance with any provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325] (Ill. Rev. Stat. 1989, ch. 111, par. 5201 et seq.) (the "Act");

B) Non-compliance with any provision of this Part;

C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or

D) Failure to continue to meet the criteria of an approved program as set out in this Section.

- 2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.

- 3) A program whose approval is being reconsidered by the Department shall be given 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

e) Evaluation of Newly Submitted Programs.

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- 1) An educational institution with a program that has not been evaluated will cause to be forwarded to the Department documentation concerning the criteria in this Section.
- 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Board will evaluate the program based on all documentation received from the school and any additional information the Department has received which will enable the Board to evaluate the program based on the criteria specified in this Section.

f) For purposes of Section 12(c)(1) of the Act, an approved graduate engineering program shall:

1) Grant a Doctor of Philosophy or Doctor of Science degree;

2) Be in a curriculum from an institution with an engineering program which has at least one curriculum for a baccalaureate degree that is approved in accordance with Section 1380.210(a) of this Part; and

3) Include the following minimum requirements:

A) Completion of at least 64 semester hours, or 96 quarter hours, including hours earned toward the master's degree requirements.

B) Passing of a preliminary examination.

C) Completion of at least an additional 32 semester hours, or 48 quarter hours of thesis research.

D) Passing of a final examination.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1380.240 Application for Enrollment as an Engineer Intern by Examination

- a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 ~~December 15~~ for the spring examination or by May 15 ~~June 15~~ for the fall examination. The application shall include:

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- 1) Either:
  - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
  - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on form(s), completed by the supervisor. An applicant shall have acquired the experience required by this Section PRIOR TO applying to the Department;
- 2) The required fee specified in Section 20 of the Act;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned PRIOR TO receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.
- b) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the ~~12~~ twelve months prior to graduation if the applicant provides a certification stating that he is expected to graduate by the end of that ~~12~~ twelve-month period. The applicant shall be allowed to retake the examination during that ~~12~~ twelve-month period if he fails on the first attempt. However an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination(s) will be void and the examination will have to be retaken.
- c) Upon receipt of the application and all supporting documentation in complete order:

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- 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination;
- 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1380.250 Application for Licensure as a Professional Engineer by Examination

a) Applicant enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience required by Section 1380.240 PRIOR TO making application to the Department.
- 2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by ~~November 15~~ December 15 for the spring examination or by ~~May 15~~ June 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

- A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering or related science, experience verification forms shall be completed for the entire 8 years of required experience;
- B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:
  - i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
  - ii) Completed college certification form showing degree received and, if the degree was not received from an



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approved engineering program, an official transcript of educational credit;

- C) The required fee specified in Section 20 of the Act.
- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.
- E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.
- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

## b) Applicant not enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience as required in Section 1380.240 PRIOR TO making application to the Department.
- 2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 ~~December 15~~ for the spring examination or by May 15 ~~June 15~~ for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

## A) Either:

- i) A degree from approved Engineering Program.  
Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification form(s),

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completed by the supervisor, indicating the required 4 years of experience.

- ii) A degree in Basic Engineering or Related Science.  
Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of education credit; and completed experience verification form(s), completed by the supervisor, indicating the required 8 years of experience.
- B) The required fee specified in Section 20 of the Act; and
- C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.
- D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned PRIOR TO receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

E) ~~In addition to meeting the requirements in this subsection, an applicant seeking waiver of the fundamentals of engineering examination pursuant to Section 12(c) of the Act shall hold a doctoral degree from a graduate engineering program approved in accordance with Section 1380.210(f) and shall have demonstrated a broad knowledge of the fundamentals of engineering by successfully completing course work including 10 of the following subjects:~~

- i) ~~Calculus~~
- ii) ~~Differential Equations~~
- iii) ~~Chemistry~~
- iv) ~~Physics~~
- v) ~~Statistics~~
- vi) ~~Dynamics~~
- vii) ~~Materials Science or Structure of Matter~~
- viii) ~~Mechanics of Materials~~
- ix) ~~Electrical Circuits~~

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- \*) ~~Fluid Mechanics~~  
 \*) ~~Thermodynamics~~  
 \*\*) ~~Engineering Economics~~

- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1380.260 Examination

- a) The examination for licensure as a professional engineer shall be divided into two Parts, each Part being 8 hours in duration. If an applicant wishes only to be enrolled as an Engineer Intern, and if he otherwise qualified under Section 1380.240, he shall be required to take only Part I of the examination.

- 1) Part I - Fundamentals of Engineering Examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic engineering sciences and related subjects normally considered as the fundamentals of an engineering education.

- 2) Part II - Principles and practice of Engineering Examination shall consist of problems or other examining techniques relating to designs in or to the practice of professional engineering as described in Section 4(o) of the Act.

- b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.

- c) Part I of the examination will be waived for an applicant who is licensed as a structural engineer and who received such license by passing the fundamentals of engineering examination administered under the Structural

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Engineering Licensing Act of 1989 [225 ILCS 340] (Ill. Rev. Stat. 1989, ch. 117, par. 6601-et seq.).

- d) The scoring of the examinations and determination of scores shall be as approved by NCEES. Separate scores shall be given for Part I and Part II and shall be reported as pass or fail. ~~The passing score on each Part shall be 70.~~
- e) An applicant who sits for both Parts I and II of the examination and passes only Part I shall be eligible to be enrolled as an Engineer Intern.

## f) Retake of Examination.

- 1) Applicants shall be required to retake only the Part(s) on which a passing score was not achieved.

- 2) If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 9(b) of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided in subsection (g).

- g) Successful scores of previously passed Parts of the examination shall be accepted for the purposes of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most recent score on a Part(s) shall be the score of record. In no circumstances shall the Department accept a previous passing score on a Part(s) for an applicant whose score of record is a failing score.

- h) A candidate who fails an examination may not review his/her examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

- i) If an applicant has failed an examination, the examination may not be waived for licensure.



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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

Section 1380. APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

- a) July 20, 1945. The Illinois Professional Engineering Act became effective on July 20, 1945. Prior to that date, there was no legal requirement in Illinois governing the practice of Professional Engineering or requiring registration of engineers.
- b) July 20, 1946. That date terminated registration under the "Grandfather Clause", which exempted Illinois residents engaged in the practice of Professional Engineering from examination, unless affected by service in the armed forces of the United States including the Merchant Marine. Thereafter, full examination was required except as indicated under subsections (c) and (d), below.
- c) November 20, 1946. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were eligible for registration by examination of their record of education, experience, and substantiating evidence. Written examination was not required.
- d) July 20, 1950. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were required to take only Part II of the written examination for registration.
- e) Applicant originally licensed in New York or Pennsylvania prior to January 1, 1965, shall have their twelve-hour examination accepted for endorsement based on prior agreement.
- f) January 1, 1974. Prior to that date, an EIT applicant was eligible for examination upon proof of at least 4 years of study, training and experience.
- g) January 1, 1978. Prior to that date, an applicant who qualified with 8 years of combined education and experience would be admitted to the full examination.
- h) January 1, 1994. Prior to that date, an applicant seeking waiver of the fundamentals of engineering examination pursuant to Section 12(c) of the Act shall hold a doctoral degree from a graduate engineering program approved

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in accordance with Section 1380.210(f) and shall have demonstrated a broad knowledge of the fundamentals of engineering by successfully completing course work including 10 of the following subjects:

- 1) Calculus
- 2) Differential Equations
- 3) Chemistry
- 4) Physics
- 5) Statistics
- 6) Dynamics
- 7) Materials Science or Structure of Matter
- 8) Mechanics of Materials
- 9) Electrical Circuits
- 10) Fluid Mechanics
- 11) Thermodynamics
- 12) Engineering Economics

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number:
- 140.413
- Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13], and Public Law 103-112.

5) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department of Public Aid's rules concerning medical payment and limitation on physician services, are intended to implement federal requirements imposed by recent revisions to the Hyde Amendment. According to the interpretation of these changes by the Health Care Financing Administration (HCFA), Medicaid coverage shall be provided for the termination of pregnancies resulting from rape or incest, as reported by the recipient. Currently, Section 140.413 specifies that only abortions necessary to preserve the life of the mother can qualify for Medicaid coverage. Therefore, this rulemaking is necessary to maintain compliance with federal interpretation of the Hyde Amendment.

Other changes are being made to Section 140.413 to remove outdated and duplicative language.

It is anticipated that implementation of these amendments will not result in any substantive increase in Department spending for abortion services. However, the actual economic impact of these amendments is unknown.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.24	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.27	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.514	Amendment	June 24, 1994 (18 Ill. Reg. 9296)

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Sections	Proposed Action	Illinois Register Citation
140.530	Amendment	March 18, 1994 (18 Ill. Reg. 4077)
140.538	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.850	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.855	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.860	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.865	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.870	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.875	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.880	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.885	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.890	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.895	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table K	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table L	Repeal	June 24, 1994 (18 Ill. Reg. 9296)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 23, 1994



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- B) Types of small businesses affected: Medical entities that perform abortion services for Medicaid recipients
- C) Reporting, bookkeeping or other procedures required for compliance:  
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page \_\_\_\_.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Drinking Water Systems Code
- 2) Code Citation: 77 Ill. Adm. Code 900
- 3) Section Numbers:
- |             |           |
|-------------|-----------|
| 900.10      | Amendment |
| 900.15      | Amendment |
| 900.20      | Amendment |
| 900.30      | Amendment |
| 900.40      | Amendment |
| 900.50      | Repealed  |
| 900.60      | Repealed  |
| 900.65      | Repealed  |
| 900.70      | Repealed  |
| 900.80      | Repealed  |
| 900.90      | Repealed  |
| 900.100     | Repealed  |
| 900.TABLE D | Repealed  |
| 900.TABLE E | Repealed  |
| 900.TABLE F | Repealed  |
| 900.TABLE G | Repealed  |
| 900.TABLE H | Repealed  |
| 900.TABLE I | Repealed  |
| EXHIBIT A   | Repealed  |
| EXHIBIT B   | Repealed  |
| EXHIBIT C   | Repealed  |
| EXHIBIT D   | Repealed  |
- Proposed Action:

- 4) Statutory Authority:

Section 9 of the Illinois Groundwater Protection Act  
(Ill. Rev. Stat., 1991, ch 111 1/2, par. 7459)  
[415 ILCS 55/9]

- 5) A Complete Description of the Subjects and Issues Involved:

In this rulemaking, the Department is adopting the Pollution Control Board's rules regulating public water supplies at 35 Ill. Adm. Code 605, 607, and 611. Where the Department's rules are a duplicate of those rules, this rulemaking deletes the duplication.

Section 900.10. This amendment deletes definitions which are adopted in PCB rules.

Section 900.15. This amendment adopts PCB rules for public water supplies which include the non-community supplies regulated by the Department and deletes incorporated materials which are duplicative of the PCB rules.

Section 900.20. This amendment would clarify that the Illinois Environmental Protection Agency is responsible for certification of laboratories performing chemical analyses.

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Section 900.30. This amendment deletes unnecessary reference to the Federal Register.

Section 900.40. This amendment deletes rules which are identical to PCB rules which are adopted in this rulemaking.

Sections 900.50, 900.60, 900.65, and 900.70. These sections are repealed since they are identical to PCB rules which are adopted in this rulemaking.

Section 900.80, 900.90, 900.100, and 900.TABLE D through TABLE I. These sections are repealed since they are identical to PCB rules which are being adopted.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes        No   X  

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes        No   X  

If "yes," , please specify the date:                     

8) Does this Rulemaking Contain any Incorporations by Reference? Yes   X   No       

If "yes," please specify type: 6.02(a)   X   or 6.06(b)       

9) Are there any Other Proposed Amendments Pending on this Part? Yes        No   X  

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

Provide for the regulation and sampling of public water supplies to ensure safe water for human consumption.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

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12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Businesses which own their own water supply and serve water to 25 or more persons daily.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional requirements.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: WATER AND SEWAGE

PART 900  
DRINKING WATER SYSTEMS CODE

- Section  
900.10 Definitions  
900.15 Incorporated and Referenced Materials  
900.20 General Requirements  
900.30 Special Requirements  
900.40 Water System Design  
900.50 Inorganic Chemicals (Repealed)  
900.60 Turbidity (Repealed)  
900.65 Organic Chemicals (Repealed)  
900.70 Microbiological (Repealed)  
900.80 Public Notification (Repealed)  
900.90 Record Maintenance and Reporting (Repealed)  
900.100 Variances and Exemptions (Repealed)  
900.TABLE A Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities  
900.TABLE B Design Capacity for a Non/Community Public Water System  
900.TABLE C Pressure Factors  
900.TABLE D Coliform Sampling Frequency According to Population Served (Repealed)  
900.TABLE E Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)  
900.TABLE F Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)  
900.TABLE G Water Quality Sampling Requirements (Repealed)  
900.TABLE H Water Quality Sampling Requirements-Reduced Sampling (Repealed)  
900.TABLE I Table of Factors to be Used in Saturation Index Calculations (Repealed)  
Exhibit A Values of A Based Upon Total Solids (Repealed)  
Exhibit B Values of B Based Upon Water Temperature (Repealed)  
Exhibit C Values of C Based Upon Calcium Hardness Expressed as CaCO<sub>3</sub> (Repealed)  
Exhibit D Values of D Based Upon Alkalinity Expressed as CaCO<sub>3</sub> (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7459) [415 ILCS 55/9].

SOURCE: Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13 Ill. Reg. 12578, effective August 1, 1989, amended at 14 Ill. Reg. 14844, effective September 1, 1990, amended at 17 Ill. Reg. 4388, effective March 23, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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NOTE: Capitalization denotes statutory language.

## Section 900.10 Definitions

"Applicant" means any person making application for a permit to construct or alter a public water system.

"Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.

"~~Confluent Growth~~" ~~means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof in which bacterial colonies are not discrete.~~

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

"CT" means the product of the chlorine residual and chlorine contact time at the point of treatment required for 99.9 percent or 3-log inactivation of Giardia lamblia ~~lamblia~~ cysts.

"Department" means the Illinois Department of Public Health.

"Filtration" means a process for removing particulate matter from water by passing through porous media.

~~"First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.~~

"Groundwater Under the Influence" means surface water or water obtained from a well or a collector which is not in compliance with the Illinois Water Well Construction Code.

"Maximum Contaminant Level" means the maximum permissible level of contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.

"Non-Transient Non-Community System" means a non-community water system which regularly serves the same 25 or more persons at least 6 months a year.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the

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State of Illinois or any political subdivision or department thereof, or any other entity.

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH:

IS UTILIZED FOR THE TREATMENT, STORAGE, OR DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE NOT GENERATED AT THE SITE; OR

IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE NOT GENERATED AT THE SITE, OTHER THAN LANDSCAPE WASTE AND CONSTRUCTION AND DEMOLITION DEBRIS; OR

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS OR SPECIAL WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES.

(Section 3.59 of the Environmental Protection Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.59) [415 ILCS 5/3.59])

"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Section 3.58 of the Environmental Protection Act, (Ill. Rev. Stat. 1991 ch. 111 1/2, par. 1003.58) [415 ILCS 5/3.58]).

"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH:

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS;

OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000

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BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE; OR

STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR

IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS AS DEFINED IN THE "PRIVATE SEWAGE DISPOSAL LICENSING ACT" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 116.301) [225 ILCS 225/11].

(Section 3.60 of the Environmental Protection Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1003.60) [415 ILCS 5/3.60])

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Community Water System means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities,



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equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Slow Sand Filtration" means a process involving passage of raw water through a bed of sand at low velocity resulting in substantial particulate removal by physical and biological mechanisms.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

~~"Supplier of Water" means any person who owns or operates a public water system.~~

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff.

~~"Too Numerous to Count" means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter filter used for coliform detection.~~

~~"Transient, Non-Community System" means a non-community public water system which does not regularly serve the same 25 people.~~

"Vending Machine" means a device which provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a non-community public water system.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.15 Incorporated and Referenced Materials

a) The following federal and state regulations and standards of nationally recognized organizations, standards, and statutes are incorporated or referenced in various sections of this Part:

- 1) Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183.105) Illinois Department of Public Health.
- 2) Federal National Primary Drinking Water Regulations (40 CFR 141 and 142,

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~~(1988)-52 Fed. Reg. 25690 through 25717, July 8, 1987 and 53 Fed. Reg. 25108 through 25111, July 1, 1988.~~

~~2)3) Illinois Water Well Construction Code (77 Ill. Adm. Code 920) Illinois Department of Public Health.~~

~~3)4) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925) Illinois Department of Public Health.~~

~~4)5) Surface Source Water Treatment Code (77 Ill. Adm. Code 930) Illinois Department of Public Health.~~

~~5)6) Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers - Ten States' Standards - (1982 Edition) and published by:~~

Health Education Service  
P.O. Box 7283  
Albany, New York 12224

~~6)7) Illinois Plumbing Code (77 Ill. Adm. Code 890) Illinois Department of Public Health.~~

~~7)8) Public Water Supplies (35 Ill. Adm. Code 607.404) Illinois Pollution Control Board Rules.~~

35 Ill. Adm. Code 605  
35 Ill. Adm. Code 611  
35 Ill. Adm. Code 607.104

For purposes of compliance with this Part, all references to the "Agency" and "Board" shall be replaced by the "Illinois Department of Public Health" (Department) for regulation of non-community water supplies (NCWS)

9) Standard Methods for the Examination of Water and Wastewater (1985 Edition) and published by:

American Public Health Association  
1015 18th Street, N.W.  
Washington, D.C. 20036

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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- c) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson - Third Floor, Springfield, Illinois 62761.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.20 General Requirements

- a) Coverage. This Part shall apply to all non-community public water systems.
- b) Exception. This Part shall not apply to a public water system which meets all of the following conditions:

- 1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities).
- 2) Obtains all of its water from, but is not owned or operated by a public water system to which such regulations apply.
- 3) Does not sell water to any person.
- 4) Is not a carrier which conveys passengers in interstate commerce.

- c) Consecutive Systems. When a public water system supplies water to one or more other public water systems, the Department shall modify the monitoring requirements if one sampling point can be shown to be representative of the water supply and the supply can be shown to have a contamination free sampling history to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modification in monitoring shall be approved in writing by the Department.

- d) Permit to Construct. A permit to construct a non-community public water system must be obtained from the Department prior to construction. Where a water well is to be constructed, altered or extended, a permit fee, which is established in Section 920.130 of the Illinois Water Well Construction Code, shall be required for the water well.

- e) Permit to Alter or Extend. A permit for any major alteration of, or extension to, a non-community public water system must be obtained from the Department prior to construction.

- f) Plans. All applications for a permit to construct, alter or extend a non-community public water system must be accompanied by plans and specifications. The plans and specifications must indicate all sources of contamination, the layout and design of the system and all associated equipment which will indicate compliance with this Part as

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stated in Section 900.40.

- g) Major Alterations or Extensions. Major alterations or extensions shall include, but not be limited to, the following:

- 1) Change in source of water supply.
- 2) Construction of additional sources of water supply.
- 3) Provision of any new treatment to the system.
- 4) Changes in system capacity.
- 5) Increase in the water well depth.

- h) Notification of Completion. Upon completion of any construction for which a permit has been issued, the owner shall notify the Department.

- i) System Disinfection. All components of new non-community public water system construction, alteration, or expansion shall be disinfected with a strong chlorine solution; and satisfactory bacteriological sample results, in compliance with Section 900.70 (a), shall be obtained prior to placing the components into service.

- j) Certified Laboratory. All samples requiring laboratory analysis shall be analyzed only by a laboratory which has been certified for the analysis in question, except that turbidity analyses may be conducted by anyone approved by the Department. The certification shall be made by the Department or the Illinois Environmental Protection Agency in accordance with Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183-1495). The results from any analysis not conducted in accordance with the above shall not be considered valid for purposes of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.30 Special Requirements

- a) More Stringent Conditions. The Department will require more stringent conditions be placed on the non-community public water system if a potential health problem is detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of the water supply, type of construction or information from previous owners which might indicate the water would be too hazardous to drink. Such conditions include, but are not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in this Part of Federal National Interim Primary Drinking Water Regulations (40 CFR 141, 1987) or the National Primary Drinking Water Regulations (40 CFR 141



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and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987 and 53 Fed. Reg. 25108 through 25111, July 1, 1988). The Department shall also require treatment or the discontinuance of the use of the non-community public water system, if the system is found to jeopardize public health or if the system is found to contain hazardous substances or disease causing organisms.

- b) Use of Chemical Additives. Chemicals approved for the treatment of water shall include, but are not limited to, chlorine and chemicals used for water softening, flocculation and coagulation. Such chemicals shall be approved if the method of feed and the concentration of these chemicals does not jeopardize the health of the user as determined by the Department pursuant to the level of toxicity of the chemical.
- c) The Department shall be notified of the occurrence of any waterborne diseases outbreak by the water system operator as soon as the operator has information that such an outbreak has occurred.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.40 Water System Design

- a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:

- 1) Avoid locating any or all of the facility at a site which is subject to undue risk from earthquakes, floods; or other disasters.
- 2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.
- 3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in Table A. Beginning January 1, 1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in Table A. Where the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this Part provided the owner complies with the variance provisions of Section 920.30(c) of the Illinois Water Well Construction Code.

- b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses, shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination

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of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920), the Illinois Plumbing Code (77 Ill. Adm. Code 890), and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).

Treatment will not be considered as a substitute for location and construction in accordance with the Illinois Water Well Construction Code. Wells terminating in pits shall not be allowed. Existing pits shall be eliminated and the floor or one wall of the pit shall be broken or removed, the pit shall be filled with compacted earth, and the casing shall be extended to terminate 8 inches above grade.

- c) New Well Construction. All new wells shall be constructed in accordance with the Illinois Water Well Construction Code.
- d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.

- e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, groundwater under the influence of surface water, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code, (77 Ill. Adm. Code 930) or in accordance with "Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards"). Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "Ten States' Standards." All systems which use surface water, in whole or in part shall be operated by personnel which have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school) or shall be operated by personnel which have received certification by the Illinois Environmental Protection Agency as a Class A, or Class B public water supply operator. The Department will approve such course provided the course is given by an accredited college or university, the course is at least equivalent to .7 continuing education units, and the course addresses water filtration, disinfection, water supply and the measurement of disinfectant residual and turbidity. The Department shall make available a list of such approved courses upon request.

- f) Springs. Spring water supplies shall not be allowed except where it is impossible to develop a well which meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and shall be chlorinated in accordance with Section 900.40 (n). Spring water supplies located in an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless

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- provided with treatment consistent with that required for surface water.
- g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (See Section 900.40 (e)).
- h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from Table B.
- i) Hydropneumatic Storage. The minimum requirements for designing a hydropneumatic storage system are as follows:
- 1) Well and Pump Sizing. The capacity of the well(s) and pump(s) in a hydropneumatic system shall be at least eight times the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (calculate the average daily consumption rate from Table B). If it can be shown that a specified amount of water is more appropriate or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon such things as, but not limited to, water demand at the facility in question or water usage reports from a similar facility.

- 2) Pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:

$$Q = Q_m (3)/P_f$$

Where  $Q_m$  = Pump capacity (g.p.m.)

$P_f$  = Pressure Factors obtained from TABLE C.

- 3) Precharged Pressure Tanks. The capacity of a precharge pressure storage tank shall be calculated by the following formula:

$$Q_p = 1.5Q_m/P_f$$

Where  $Q_p$  = Precharged pressure tank volume, gal.

- 4) Existing Hydropneumatic Storage. An existing undersized pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of Section 900.40(i).

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- j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in Table A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.
- k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code (77 Ill. Adm. Code 890) for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:
- 1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.
  - 2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, said 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water line. All crossings shall be made at right angles.
  - 3) Where conditions prevent the minimum horizontal and/or vertical separation specified above, special consultation shall be obtained from the Department to determine other routes of water piping.
  - 4) No water line shall pass through, or come into contact with, any part of a sewer manhole.
  - 5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or



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private water system conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104).

- 6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.
- l) Plumbing-Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois State Plumbing Code available from this Department. All plumbing fixtures and other equipment connected to the water system shall be so constructed and installed so as to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed so as to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.
- m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.
- n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies which are of questionable sanitary quality or where any treatment which exposes the water to the atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.
- t) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

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2)

Contact Time and Point of Application. Chlorine shall be applied at a point which will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. Where chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter except that systems utilizing surface water as a source, shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank. ~~The pipe carrying water from the filter shall terminate at the water surface of the storage tank. Water shall be withdrawn from a solid pipe at a point not more than 3 inches above the bottom of the water storage tank.~~ Those systems utilizing surface water as a source and groundwater under the influence of surface water shall be designed in accordance with the Surface Water Treatment Code (77 Ill. Adm. Code 930), and shall meet disinfection requirements and CT values of 40 CFR 141 and 142 (1990).

3)

Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg/l between 0.5 and 1.0 mg/l, and to the nearest 0.5 mg/l between 1.0 mg/l and 2.0 mg/l. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results. Whenever the chlorine residual falls below the values specified in subsection(n)(2) above, the supplier of water shall notify the Department as soon as possible but no later than the end of the next business day.

4)

Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.

5)

Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per

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minute. Means for introducing a fresh air supply to the enclosure shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.

- B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.
- C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.
- D) The gas feed equipment shall be solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be equipped with an electric shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.
- F) Gas chlorinators shall be repaired and operated only in accordance with manufacturer's directions. The owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency, and have the telephone number of emergency personnel conspicuously posted within view of operating personnel.

- 6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water which may be contaminated. Housing must be provided for the chlorination equipment and for storing the chlorine.

- o) Hauled Water. When it is necessary to use hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

- 1) Transport Equipment. Equipment used for hauling water, including tank trucks

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or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

- 2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with Section 900.40(j).

- p) Vending Machines. Vending machines which serve water to the public shall meet the following conditions:

- 1) The source of water to a vending machine shall be obtained from a community water system or a supply which meets the construction and location requirements of this Part.
- 2) A dual check backflow device approved in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall be installed in the water supply pipe between the vending machine and the source of water.
- 3) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to 4 times the diameter of the water dispensing supply pipe.
- 4) The machine shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.
- 5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

- q) Sample Siting Plan. All non-community supplies shall designate sampling points from which to collect all required samples. If a kitchen tap is available, one sample shall be taken from this location.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.50 Inorganic Chemicals (Repealed)

- a) ~~Maximum Contaminant Levels.~~

- 1) ~~Nitrate. The maximum contaminant levels for Nitrate in a non-community public water system shall not exceed 10 mg/l (as nitrate (N)). Nitrate levels not to exceed 20 mg/l as N may be allowed in a non-community water system~~



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if the supplier of water demonstrates that:

- A) Such water will not be available to children under 6 months of age.
- B) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l as N and the potential health effects of exposure.

2) Nitrate. The maximum contaminant level for nitrite in a non-community public water supply shall not exceed 1 mg/l as N.

3) The maximum contaminant levels for the following inorganic chemicals shall not be exceeded in a non-transient, non-community public water system:

Chemical	Maximum Contaminant
A) Asbestos	7 million fibers/liter
B) Barium	2) mg/l
C) Cadmium	0.005 mg/l
D) Chromium	0.1 mg/l
E) Mercury	0.002 mg/l
F) Selenium	0.05 mg/l
G) Fluoride	4 mg/l
H) Lead	0.015 mg/l
I) Copper	1.3 mg/l

4) Lead and Copper Action Levels:

- i) Lead. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below, is greater than 0.015 mg/l. For systems collecting fewer than 10 samples, the lead action level is exceeded if the average of the two highest samples exceeds 0.015 mg/l.
- ii) Copper. The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with subsection (b)(4) below, is greater than 1.3 mg/l. For systems collecting fewer than 10 samples, the copper action level is exceeded if the average of the two highest samples exceeds 1.3 mg/l.

b) Monitoring:

i) Nitrate and Nitrite

A) Transient, non-community systems. Analysis for nitrate shall be conducted

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annually and one sample for nitrite shall be collected initially on all non-community public water systems. Analysis for nitrite shall be conducted within 12 months whenever any sample for nitrate exceeds the maximum contaminant level. In addition, analysis shall be conducted within 12 months whenever any nitrate analysis is found to exceed the maximum contaminant level. The Department shall send sample bottles to all water suppliers and require that the suppliers collect the sample and return it to the designated Department laboratory.

B) Non-transient, non-community and surface water systems. Analysis for nitrate shall be conducted annually and one sample for nitrite shall be conducted initially on all surface water and non-transient, non-community public water systems. Sampling for both chemicals must be conducted quarterly when the concentration of either chemical is equal to or greater than 50 percent of the maximum contaminant level. In such cases, the sampling frequency must remain quarterly until four consecutive quarterly samples are less than 50 percent of the maximum contaminant level for either chemical.

2) Inorganic Chemicals. Non-transient, non-community public water systems shall monitor for barium, cadmium, chromium, fluoride, mercury, and selenium once every three years where the system uses groundwater as a source and annually where the system uses surface water in whole or in part as a source. Whenever the maximum contaminant level for any chemical is exceeded in a system using groundwater as a source, sampling for that chemical shall be conducted quarterly until two consecutive samples are less than the maximum contaminant level for that chemical. Whenever the maximum contaminant level for any chemical is exceeded in a system using surface water as a source, sampling for that chemical shall be conducted quarterly until four consecutive samples are less than the maximum level for that chemical. The sampling requirements for a system using groundwater or surface water as a source shall be reduced to once every nine years provided:

A) Systems using surface water have been sampled annually for at least three years and systems using groundwater as a source have conducted sampling once every three years for nine years, and.

B) All results are less than the maximum contaminant levels for these inorganic chemicals:

3) Asbestos

A) Non-transient, non-community public water systems are not required to sample for asbestos unless the Department determines the system is vulnerable to asbestos contamination in its source water or due to corrosion of asbestos pipe; or both. The Department shall consider the system vulnerable to asbestos

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contamination where a source of asbestos material exists in the water source, or asbestos pipe is used in the water distribution system:

## B) Vulnerable Systems:

If the system is determined by the Department to be vulnerable to asbestos contamination, the system shall monitor for asbestos. If the initial or any sample result is greater than the maximum contaminant level for asbestos in a system using groundwater as a source, the system must sample quarterly until two consecutive samples are less than the maximum contaminant level. If the initial or any sample result is greater than the maximum contaminant level in a system using surface water as a source, the system must sample quarterly until four consecutive samples are less than the maximum contaminant level. Thereafter, systems are required to resample every three years. If the initial sample for asbestos is equal to or less than the maximum contaminant level, the system shall resample every 3 years.

- 4) Lead and Copper. All non-transient, non-community public water systems shall begin sampling for lead and copper in accordance with TABLE E if they serve a daily population of greater than 3,300. All non-transient, non-community public water systems shall begin sampling for lead and copper in accordance with TABLE E by July 1, 1993, if they serve a daily population of less than or equal to 3,300. All systems shall collect samples for lead and copper initially in accordance with the sample frequency in TABLE E every 6 months. A system which does not exceed the action levels for lead or copper in any sample during each of two consecutive 6 month periods may reduce the sampling frequency to annually in accordance with TABLE F. A system which does not exceed the action levels for lead and copper for three consecutive years of monitoring shall collect a sample for lead and copper from the number of sampling sites in accordance with TABLE F once every three years. All tap samples for lead and copper shall be first draw samples and shall be collected at a cold water interior tap from which water is typically used for consumption. Each sample shall be one liter in volume and have stood motionless in the plumbing piping for at least 6 hours. Samples shall be taken from copper pipes with lead solder installed January 1, 1983 or later or which contain lead piping. If there are an insufficient number of sampling sites meeting this condition, the system shall use sampling sites that contain copper pipes with lead solder installed before January 1, 1983. A system which exceeds the action levels for lead or copper shall perform the following:

- A) Sample Collection. The supplier shall sample for lead and copper in accordance with TABLE E every 6 months.
- B) Collect Water Quality Parameters. The supplier of water shall collect two tap samples for each water quality parameter from the number of sampling sites

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specified in accordance with TABLE G every 6 months and submit all results to the Department within 30 days of analysis. A system which maintains water quality parameters reflecting corrosion control for 2 consecutive 6 month periods may reduce the number of tap samples collected and must collect each water quality parameter from the number of sampling sites specified in accordance with TABLE H every 6 months. A system which maintains water quality parameters reflecting corrosion control for 3 consecutive years of sampling may reduce the frequency with which water quality parameters are collected to annually in accordance with TABLE H. Water quality parameters shall include the following:

- i) pH;
- ii) alkalinity;
- iii) calcium;
- iv) conductivity;
- v) water temperature;
- vi) orthophosphate (only required when an inhibitor with a phosphate compound is used); and
- vii) silica (only required used when an inhibitor with a silicate compound is used);

## C)

Corrosion Control Program. The supplier of water shall initiate an effective corrosion control program. Systems which serve more than 3,300 people daily shall begin the corrosion control program within 18 months, and systems which serve 3,300 people or less daily shall begin the corrosion control program within 24 months. The supplier shall report to the Department in writing explaining how the corrosion treatment has been installed and how it will be maintained and operated, and any chemicals used and their dosages which will be applied. Such a corrosion control program shall be approved by the Department. Approval of the program shall be based upon the ability of the program to provide water treatment which will result in a less corrosive water. Such a program may include adding chemicals to control pH or alkalinity as a minimum.

- i) Ineffective Program. Where the corrosion control program does not reduce the levels of lead and copper below maximum levels, the system shall remove sources of lead from the plumbing system.
- ii) Effective Program. The corrosion control program shall be considered effective where the Saturation Index which indicates water corrosivity has a value of greater than zero. The Saturation Index shall be calculated by the formula  $\text{Saturation Index} = (9.30 + A + B) - (C + D)$  where the values of A, B, C and D are obtained from TABLE I, Exhibit A, B, C and D respectively.



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- D) **Provide Public Education.** This public education program is required within 60 days of when the action level for lead has been exceeded. The supplier of water shall undertake a public education program to inform consumers that levels of lead have exceeded the action level and of ways they can reduce their exposure to potentially high levels of lead in drinking water. This can be accomplished by posters at the tap or other information such as pamphlets which are distributed to users of the water. In addition, the supplier shall make available and distribute information provided by the Department. Such information shall be placed in a common area in each building served by the system. This program shall be repeated at least once during each calendar year in which the system exceeds the lead action level. By December 31 of each year, any system required to perform a lead public information program shall submit a letter to the Department demonstrating that the system has delivered the public education and information materials as described in this Section.
- E) **Reporting Information.** Non-transient, non-community systems shall report the following information to the Department for all tap samples within the first 10 days following the end of each required sampling period required in subsection (b)(4) below:
- i) the results of all lead and copper tap samples including the location of each site and the criteria under which they were selected in compliance with subsection 900.50(b) (4)(B)(i) and (ii) above, and
  - ii) a certification which may be in the form of a letter that each first draw sample collected is one liter in volume and to the best of their knowledge stood motionless in the plumbing system or lead service pipe for at least 6 hours, and
  - iii) the results of all water quality tap samples required in subsection (b)(4)(A) above.
- F) **Source Water Monitoring.** The supplier of water shall collect a sample for lead and copper to determine their concentrations in the source water and to determine if treatment to remove these metals from the source water is needed where lead has been found previously in the source supply or where a lead contamination source exists.
- G) **Maximum Contaminant Level Exceeded.**
- i) Nitrate and nitrite. If the result of an analysis for nitrate or nitrite in a non-community public water system exceeds the maximum contaminant level, the taking of a second sample shall be initiated within 24 hours, and the average of the two analyses determined.

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- 2) **Maximum Contaminant Level Violations.** If the averaged results for nitrate or nitrite in a non-community public water system exceed the maximum contaminant level, the supplier of water shall give notice to the public in accordance with Section 900.80 of this Part, and begin monitoring the contaminant in question at a frequency established by the Department and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action becomes effective. If the system is a non-transient, non-community system, the system shall sample in accordance with subsection (b)(1)(B) above. Any frequency established by the Department will depend upon the season, location in relation to agricultural areas and previous fluctuations in nitrate and nitrite concentrations.
  - d) When any of the contaminant levels in Section 900.50 are exceeded, the supplier of water shall notify this Department as soon as possible. However, such notification shall be made not later than the end of the next day.
- (Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 900.60 Turbidity (Repealed)
- a) **Maximum Contaminant Levels.** The maximum contaminant levels for turbidity in non-community water systems which use surface water in whole or in part, measured at a representative entry point to the distribution system, shall not exceed one turbidity unit (TU) in any sample, except that turbidity values greater than one and equal to or less than 5 TU may be allowed in 95 percent of the samples taken during a month if the supplier of water can demonstrate to the Department that the higher turbidity does not do any of the following:
    - 1) Interfere with disinfection;
    - 2) Prevent maintenance of an effective disinfectant residual throughout the distribution system;
    - 3) Interfere with microbiological determinations;
  - b) **Monitoring.** Samples shall be taken by the supplier of water for non-community water systems which use surface water, in whole or in part, at a representative entry point(s) to the water distribution system at least once every four hours. Sampling frequency for turbidity may be reduced in a non-community public water system to once per day if the following conditions are met:
    - 1) The supply has a filtration system designed, constructed, operated and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 920);

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- 2) Minimum-free chlorine residual at distant points in the distribution system is at least 0.2 milligram per liter.
- 3) Written approval from the Department has been issued. Approval will be based upon compliance with the above items.
- c) Maximum Contaminant Level Exceeded. If the results of a turbidity analysis indicate that the maximum allowable limit has been exceeded, a second sample shall be analyzed as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of the water shall report to the Department as soon as possible but not later than the end of the next business day. The repeat sample shall be used to calculate the monthly average. If the monthly average exceeds the maximum contaminant level, or if the average of two samples taken on consecutive days exceeds 5 Turbidity Unit (TU), the supplier of water shall report to the State and notify the public as directed in Section 900.80.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.65 Organic Chemicals (Repealed)

- a) The maximum contaminant levels for the following organic chemicals shall not be exceeded in a non-transient non-community water system:

1) Chemical (Volatile Organic)	Maximum Contaminant Level
A) Benzene	0.005 mg/l
B) Carbon tetrachloride	0.005 mg/l
C) 1,2-Dichloroethane	0.005 mg/l
D) Trichloroethylene	0.005 mg/l
E) Para-dichlorobenzene	0.075 mg/l
F) 1,1-Dichloroethylene	0.007 mg/l
G) 1,1,1-Trichloroethane	0.20 mg/l
H) Vinyl chloride	0.002 mg/l
I) cis-1,2-Dichloroethylene	0.07 mg/l
J) 1,2-Dichloropropane	0.005 mg/l
K) Ethylbenzene	
L) Monochlorobenzene	0.6 mg/l
M) o-Dichlorobenzene	
N) Styrene	0.1 mg/l
O) Tetrachloroethylene	0.005 mg/l
P) Toluene	1 mg/l
Q) trans-1,2-Dichloroethylene	0.1 mg/l
R) Xylene	10 mg/l

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- 2) Chemical (Pesticides, Herbicides) and Polychlorobiphenols (PCBs)
- |                                       | Maximum Contaminant Level |
|---------------------------------------|---------------------------|
| A) Atrachlor                          | 0.002 mg/l                |
| B) Aldicarb                           | 0.003 mg/l                |
| C) Aldicarb-sulfone                   | 0.003 mg/l                |
| D) Aldicarb-sulfoxide                 | 0.004 mg/l                |
| E) Atrazine                           | 0.003 mg/l                |
| F) Carbofuran                         | 0.04 mg/l                 |
| G) Chlordane                          | 0.002 mg/l                |
| H) 1,2-Dibromo-3-Chloropropane (DBCP) | 0.002 mg/l                |
| I) 2,4-D                              | 0.07 mg/l                 |
| J) Ethylene dibromide                 | 0.00005 mg/l              |
| K) Heptachlor                         | 0.0004 mg/l               |
| L) Heptachlor epoxide                 | 0.002 mg/l                |
| M) Lindane                            | 0.002 mg/l                |
| N) Methoxychlor                       | 0.04 mg/l                 |
| O) Polychlorinated biphenyls PCBs     | 0.0005 mg/l               |
| P) Pentachlorophenol                  | 0.001 mg/l                |
| Q) Toxaphene                          | 0.002 mg/l                |
| R) 2,4,5-TP (Silvex)                  | 0.05 mg/l                 |
- b) Sampling:
- 1) Volatile Organic Chemicals
- A) All non-transient, non-community water systems shall perform initial sampling quarterly for one year for the organic chemicals in Section 900.65(a)(1) beginning January 1, 1993. The four quarterly samples are not required provided sampling was conducted for the chemicals in Section 900.65(a)(1) prior to January 1, 1993, and provided none of the chemicals were detected. After this initial sampling, the system must resample for these chemicals every 6 years provided none of the chemicals have been detected in any initial quarterly sampling and the Department has determined that the system is not vulnerable to contamination by these chemicals and the Department has granted a written waiver to allow reduced sampling every six years. If any of these chemicals are detected in any of the initial quarterly samples or if the Department has determined that the system is vulnerable to contamination by these chemicals, resampling for the chemicals detected shall be conducted as follows:
- i) Groundwater systems. Systems using groundwater as a source shall collect samples for two additional consecutive quarters. If all quarterly samples are less than the maximum contaminant level for these



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chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

- ii) Surface water systems.—Systems using surface water as a source shall collect samples for four additional quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

B) The system shall be considered vulnerable to contamination by any of the chemicals listed in Section 900.65(a)(1) when any of the following are met:

- i) Previous sampling data from the system indicates the presence of any of these chemicals;
- ii) The system is within 200 feet of a well where these chemicals have been detected;
- iii) The aquifer serving the water well indicates by previous sample results the presence of any of these chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to enter the well;
- iv) The water supply is within 200 feet of an area or business where any of these chemicals are stored, distributed or manufactured or is within 200 feet from an area used as a landfill intended to receive waste products;
- v) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code;

2) All non-transient, non-community public water systems shall sample for the chemicals listed in accordance with 40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and submit the results of these analyses to the Department within 30 days of analysis or shall submit a letter to the Department requesting the Department to perform sampling—

3) Pesticides, Herbicides and PCBs

A) Non-transient, non-community public water systems shall perform initial sampling quarterly for one year for the chemicals listed in Section 900.65(a)(2)

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beginning January 1, 1993 unless the Department determines the system is not vulnerable to contamination by a specific chemical in Section 900.65(a)(2), and a written waiver is granted by the Department. In such case, the system is required to sample in accordance with 900.65(b)(3)(D). If the Department does not grant a waiver to sampling for the chemicals in Section 900.65(a)(2), the system shall perform the initial quarterly sampling for one year, and the system shall continue sampling in accordance with Section 900.65(b)(3)(C).—

B) The system shall be considered vulnerable to contamination by a specific chemical or chemicals in Section 900.65(a)(2) when any of the following are met:

- i) Previous sampling data from the system indicates the presence of any of these chemicals;
- ii) The water supply is within 200 feet of an area in which any of the chemicals are stored, distributed or manufactured or is within 200 feet from a landfill or area intended to receive waste;
- iii) The aquifer serving the water well indicates by previous sample results, the presence of any of these chemicals and that the chemical contaminant is moving in the direction of the water well and is expected to contaminate the well;
- iv) Nitrate levels in the water supply exceed 10 mg/l in two consecutive samples;
- v) Equipment used in the production, storage or distribution of water in the system contains PCBs;
- vi) The water supply uses surface water as its source and the surface water is received from runoff from agricultural land where pesticides are used;
- vii) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code;

C) Where the system is determined to be vulnerable to contamination or any chemicals have been detected, the system shall continue to sample for these chemicals as follows:

- i) Systems using groundwater as a source shall sample for 2 additional quarters;

If sample results are less than the maximum contaminant levels for these

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chemicals repeat sampling shall be conducted annually for three years. If chemicals have not been detected during this three year period, the system shall repeat sampling for all chemicals every three years.

- ii) **Surface Water Supplies.**—Systems which use surface water as a source, shall sample for 4 additional quarters. If sample results are less than the maximum contaminant levels for these chemicals, repeat sampling shall be conducted annually for 3 years. If chemicals have not been detected during this 3 year period, the system shall repeat sampling for all chemicals every 3 years.

D) Where the system is determined not to be vulnerable to contamination and the Department has granted a written waiver, the system shall monitor for the chemicals in Section 900.65(a)(2) as follows:

- i) Systems serving less than 3,300 persons daily shall repeat sampling every 3 years.
- ii) Systems which serve 3,300 persons or more daily shall sample for two additional consecutive quarters. If no chemicals are detected in this quarterly sampling, the system shall repeat sampling every 3 years.
- e) **Maximum Contaminant Level Exceeded.**—When any contaminant levels in Section 900.65(a) are exceeded, the supplier of water shall notify the public served as prescribed under Section 900.80, and the supplier of water shall notify the Department as soon as possible, but not later than the end of the next business day.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 900.70 Microbiological (Repealed)

- a) **Maximum Contaminant Level.**—The maximum contaminant level for coliform bacteria is applicable to non-community water systems.
  - 1) **Membrane Filter.**—When utilizing the membrane filter technique, there shall be no coliform per 100 milliliters in any sample.
  - 2) **Fermentation Tube.**—When utilizing the fermentation tube technique, and either 10 milliliter or 100 milliliters standard portions, there shall be no coliform bacteria present in any portion in any sample.
  - 3) There shall be no fecal coliform or E. Coli present in any routine, check or repeat samples.

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b) **Monitoring.**—Water samples shall be taken at points which are representative of the conditions within the distribution system.

- 1) The supplier of water for a non-community water system utilizing a source other than groundwater shall take water samples for coliform analyses based upon population served in accordance with the sample frequency in TABLE D when the system serves more than 1,000 persons per day, however, in all cases a A surface water supply system shall take samples at regular time intervals at least twice per month. If the Department, on the basis of the results of a sanitary survey, determines that some other increased frequency is required to better monitor the contaminant level of the water source, that shall be the frequency required. A more frequent sampling shall be required if a potential source of contamination is found to exist.

2) The supplier of water for a non-community water system, utilizing a groundwater source, unless otherwise regulated pursuant to specific statutes shall take water samples for coliform analyses in each calendar quarter during which the system provides water to the public. However, when the system serves more than 1,000 persons per day, the supplier of water shall take water samples for coliform analyses at the frequency required in TABLE D based upon population served. In addition to the monitoring requirements of this Section, an increased monitoring frequency may be required in accordance with the requirements of Section 900.30. The Department shall reduce this sampling frequency provided the system complies with all the following:

- A) The supply serves less than 1,000 persons per day;
- B) The supply is served by a groundwater source;
- C) A sanitary survey has been completed indicating compliance with this Part;
- D) At least four consecutive quarterly negative coliform samples have been taken over the past year;
- E) In no case shall the sampling frequency be less than annual;
- F) No other source of potential contamination is found to exist.

c) **Maximum Contaminant Level Exceeded**

- 1) **Check Sample Repeat Sample.**—When the coliform bacteria in a single sample from a non-community water system exceeds the maximum contaminant level, four additional check samples shall be collected. At least one check sample shall be taken from the original sample location, one downstream within 5 service connections, and one upstream within 5 service connections, within 24 hours from the time the system



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has been notified of the sample results. If the system has only one service connection, all check and repeat samples shall be taken at the original sampling point. If the system collects fewer than five routine samples each month, it shall collect for analyses a set of five additional samples the next month the system provides water to the public. If a subsequent sample has already been taken from the same sampling point, it shall be considered a check sample. If any routine or repeat sample is total coliform positive, the supplier shall analyze that total coliform positive culture medium to determine if fecal coliforms are present, except that the supplier may test for E. coli in lieu of fecal coliforms. If fecal coliforms or E. coli are present, the supplier shall notify the Department by the end of the day when the supplier is notified of the test result, unless the supplier is notified of the result after the Department office is closed, in which case the supplier shall notify the Department before the end of the next business day. The supplier need not notify the Department if the original sample was analyzed in a Department laboratory.

- 2) Maximum Contaminant Level Violations. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by examination of a check sample, the supplier of water shall:

- A) Initiate an investigation, and collect additional samples from the same point daily, or at intervals established by the Department, until the results obtained from each of four consecutive check samples show less than one coliform bacterium per 100 milliliters, or no positive portions. Sampling intervals established by the Department, will depend upon the severity of the contamination and any previous history of contamination of the water supply;
- B) Notify the public served, as prescribed under Section 900.80, unless the Department determines that no health hazard has actually existed based upon investigation or knowledge of the circumstances;
- C) Notify the Department immediately upon receipt of sample analysis;

- 3) Sample Location. The location at which the check samples were taken shall not be eliminated from future sampling.

d) Special Purpose or Check Samples

- 1) The results from all coliform bacterial analyses, except those obtained from special purpose samples, invalid samples or samples with unreliable examination results, shall be used to determine compliance with the maximum contaminant level for coliform bacteria;

- 2) Check samples shall be included in calculating the total number of samples taken each month to determine compliance.

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- 3) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement or repair have been sufficient, shall not be used to determine compliance;
- 4) Samples with unreliable examination results caused by factors beyond control of the water supplier, i.e., excessive transit time between collection and examination of the sample, samples being broken in transit, or interference in test results by other contaminants, shall not be used. In this case, another sample collected immediately upon learning of these results may be used to determine compliance, except that a single sample may not be attributed to more than one monitoring period;
- 5) Invalid sample. A sample shall be considered invalid if a turbid culture without the production of gas is found in the Multiple Table Fermentation or the Presence/Absence Test. Samples reported as confluent growth or too numerous to count without coliform, when using the Membrane Filtration test shall also be considered invalid. In all cases of invalid samples, a resample must be taken within 24 hours. This resample will replace the invalid result.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.80 Public Notification (Repealed)

- a) Non-Community Water Systems. If a non-community public water system fails to comply with an applicable maximum contaminant level in this Part, or is granted a variance or exemption from a maximum contaminant level, or fails to comply with a schedule prescribed pursuant to a variance or exemption, the supplier of water shall give notice by conspicuous posting of such failure, or granting of such variance or exemption to the persons served by the system, as long as the failure, or the variance or exemption continues. The posting shall be visible to all users of the water. The notification shall conform to the requirements of 40 CFR 141, 142 and 143, (1989);

- b) Notice Form. Notices shall be written in a manner reasonably designed to fully inform users of the system as follows:

- 1) The notice shall be conspicuous;
- 2) It shall not use unduly technical language;
- 3) It shall not use unduly small print, or other methods which would frustrate the purpose of the notice;
- 4) It shall disclose all material facts, including the nature of the problem and, when appropriate, a clear statement that a drinking water regulation has been violated and any preventive measures that should be taken by the public.

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5) When required by the Department because of the existence of possible language barriers (e.g. Migrant Labor Camps or concentrations of non-English speaking people), bilingual notice shall be given.

6) Notices shall include a balanced explanation of the significance or seriousness to the public health.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.90 Record Maintenance and Reporting (Repealed)

a) Records: Any owner or operator of a public water system subject to the provisions of this Part shall retain on its premises or at a convenient location near its premises the following records:

1) Records of bacteriological analyses made pursuant to these rules shall be kept for not less than 5 years. Records of chemical analyses made pursuant to these rules shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- A) The date, place and time of sampling, and the name of the person who collected the sample;
- B) Identification of the sample (i.e., raw or distribution system, check, special purpose, etc.);
- C) Date of analysis;
- D) Laboratory and person responsible for performing the analysis, and
- E) The results of the analysis.

2) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

3) Copies of any written reports, summaries or communications relating to sanitary surveys of the system, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

4) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

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b) Reporting

- 1) The owner or operator of a public water supply system shall submit to the Department copies of any of the above records (See Section 900.90(a)) when a contamination problem exists.
- 2) Where analyses are run by other than a State or other certified laboratory (such as turbidity analyses conducted by the operator), reports of analyses shall be submitted to the Department.
- 3) Within 10 days of completion of each public notification, the supplier of water shall submit to the State a representative copy of each type notice distributed, published, posted, or otherwise made available to persons served by the system or to the media, unless the notice has been provided to the supplier by the State.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 900.100 Variances and Exemptions (Repealed)

a) Variances

1) One or more variances from an applicable Illinois drinking water regulation respecting a maximum contaminant level, treatment technique, or both, shall be granted to a non-community public water system based on one of the following conditions:

- A) The available sources of raw water have characteristics that cannot meet the maximum contaminant levels, despite the application of best available technology, taking costs into consideration, and that an unreasonable risk to public health will not result.
- B) A public water system demonstrates to the Department's satisfaction that a treatment technique specified by the regulations is not necessary to protect the health of the persons because of the nature of the raw water source of such a system (See 40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and 53 Fed. Reg. 25108 through 25111, July 1, 1988). The system would be evaluated based upon the information available, the ability of the proposal to provide water which would not cause disease or endanger public health, and the ability of the supply to provide water in compliance with this Part.

2) Procedure for Obtaining a Variance. The procedure for obtaining a variance is as follows:



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- A) Application for the variance must be made by the non-community public water system to the Department. The application shall be in the applicant's own words, containing a narrative with justification as to why the variance is needed.
- B) The Department will propose a schedule for compliance including increments for progress for variances issued with regard to maximum contaminant levels.
- C) The Department will then provide notice and opportunity for public hearing.
- D) The non-community public water system must implement any control measures the Department may require upon granting a variance.
- E) Variances issued with regard to maximum contaminant levels will be conditioned on compliance by the non-community public water system with any prescribed schedule.

## b) Exemptions

- 1) One or more exemptions from an applicable Illinois drinking water regulation respecting a maximum contaminant level, treatment technique, or both, may be granted to a non-community public water system based on all of the following conditions:
- A) That compelling factors such as economics prevent a non-community public water system from meeting either a maximum contaminant level or a treatment technique requirement.
- B) That the non-community public water system was in operation on the effective date of such contaminant level or treatment technique requirement.
- C) That the granting of the exemption will not result in an unreasonable risk to health which would include, but would not be limited to, installation of a water supply near a source of contamination or pollution.
- 2) Procedure for Obtaining an Exemption. The procedure for obtaining an exemption is as follows:
- A) The non-community public water system must make application to the Department for an exemption. The application shall be in the applicant's own words, containing a narrative with justification as to why the variance is needed.
- B) The Department will issue a schedule of compliance including deadlines for

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- increments of progress of each element in the regulations which is not met.
- C) The Department will then provide notice and opportunity for public hearing.
- D) The non-community public water system must implement any control measures specified as a condition to an exemption.
- E) The non-community public water system will meet the compliance schedule to lift the exemption as expeditiously as practicable and absolutely no later than the specified deadlines.

- 3) Time Limit. The Department will limit duration of exemptions, as necessary, to comply with any other State or Federal requirements and the Federal Safe Drinking Water Act.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 900.TABLE D Coliform Sampling Frequency According to Population Served (Repealed)

Population Served	Samples per month
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25

Systems which serve a population of more than 25,000 per month shall submit monthly samples in accordance with 40 CFR 141.142 and 143, 54 Fed. Reg. 27454, June 29, 1989.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 900.TABLE E Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)

Daily Population Served	Sampling Sites from Which Copper Samples are Collected Every Six Months
Greater Than 100,000	100
10,001 to 100,000	60
3,301 to 10,000	40
501 to 3,300	20
101 to 500	10
Less Than or Equal To 100	5

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 900.TABLE F Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)

Daily Population Served	Sampling Sites From Which Lead and Copper Samples are Collected Annually
Greater Than 100,000	50
10,001 to 100,000	30
3,301 to 10,000	20
501 to 3,300	10
Less Than 501	5

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 900, TABLE G Water Quality Sampling Requirements (Repealed)

Daily Population Served  
Sampling Sites for Which Water Quality Parameters are Collected Every 6 Months

- Greater Than 100,000 25
- 10,001 to 100,000 10
- 3,301 to 10,000 3
- 501 to 3,300 2
- Less Than 501 1

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 900, TABLE H Water Quality Sampling Requirements- Reduced Sampling (Repealed)

Daily Population Served  
Sampling Sites from Which Water Quality Parameters are Collected

- Greater Than 100,000 10
- 10,001 to 100,000 7
- 3,301 to 10,000 3
- 501 to 3,300 2
- Less Than 501 1

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 900, Table I Table of Factors to be Used in Saturation Index Calculations (Repealed)  
Exhibit A Values of A Based Upon Total Solids (Repealed)

A Total Solids in ppm	
50- 75- 100-  PPM total solids	.07
	.08
	.10
150- 200- 300-	.11
	.13
	.14
400- 600- 800-	.16
	.18
	.19
1000-	.20

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)





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Section 900, Table I  
Exhibit DTable of Factors to be Used in Saturation Index Calculations (Repealed)  
Values of D Based Upon Alkalinity Expressed as CaCO<sub>3</sub> (Repealed)

D

Alkalinity expressed as ppm CaCO<sub>3</sub>  
(For 2 to 200 ppm CaCO<sub>3</sub>, use upper table)  
(For 210 to 990 ppm CaCO<sub>3</sub>, use lower table)

Alkalinity (ppm CaCO <sub>3</sub> )									
1	2	3	4	5	6	7	8	9	10
100	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
110	1.01	1.02	1.03	1.04	1.05	1.06	1.07	1.08	1.09
120	1.02	1.04	1.06	1.08	1.10	1.12	1.14	1.16	1.18
130	1.04	1.07	1.10	1.13	1.16	1.19	1.22	1.25	1.28
140	1.06	1.10	1.14	1.18	1.22	1.26	1.30	1.34	1.38
150	1.08	1.13	1.18	1.23	1.28	1.33	1.38	1.43	1.48
160	1.10	1.16	1.22	1.28	1.34	1.40	1.46	1.52	1.58
170	1.12	1.19	1.26	1.33	1.40	1.47	1.54	1.61	1.68
180	1.14	1.22	1.30	1.38	1.46	1.54	1.62	1.70	1.78
190	1.16	1.25	1.34	1.43	1.52	1.61	1.70	1.79	1.88
200	1.18	1.28	1.38	1.48	1.58	1.68	1.78	1.88	1.98
210	1.20	1.31	1.42	1.53	1.64	1.75	1.86	1.97	2.08
220	1.22	1.34	1.46	1.58	1.70	1.82	1.94	2.06	2.18
230	1.24	1.37	1.50	1.63	1.76	1.89	2.02	2.15	2.28
240	1.26	1.40	1.54	1.68	1.82	1.96	2.10	2.24	2.38
250	1.28	1.43	1.58	1.73	1.88	2.03	2.18	2.33	2.48
260	1.30	1.46	1.62	1.78	1.94	2.10	2.26	2.42	2.58
270	1.32	1.49	1.66	1.83	2.00	2.17	2.34	2.51	2.68
280	1.34	1.52	1.70	1.88	2.06	2.24	2.42	2.60	2.78
290	1.36	1.55	1.74	1.93	2.12	2.30	2.49	2.68	2.88
300	1.38	1.58	1.78	1.98	2.18	2.37	2.57	2.77	2.98
310	1.40	1.61	1.82	2.03	2.24	2.44	2.64	2.85	3.08
320	1.42	1.64	1.86	2.08	2.30	2.51	2.72	2.94	3.18
330	1.44	1.67	1.90	2.13	2.36	2.57	2.79	3.01	3.28
340	1.46	1.70	1.94	2.18	2.42	2.64	2.86	3.08	3.38
350	1.48	1.73	1.98	2.23	2.48	2.70	2.92	3.15	3.48
360	1.50	1.76	2.02	2.28	2.54	2.76	2.98	3.22	3.58
370	1.52	1.79	2.06	2.33	2.60	2.82	3.04	3.28	3.68
380	1.54	1.82	2.10	2.38	2.66	2.88	3.10	3.34	3.78
390	1.56	1.85	2.14	2.43	2.72	2.94	3.16	3.40	3.88
400	1.58	1.88	2.18	2.48	2.78	3.00	3.22	3.46	3.98
410	1.60	1.91	2.22	2.53	2.84	3.06	3.28	3.52	4.08
420	1.62	1.94	2.26	2.58	2.90	3.12	3.34	3.58	4.18
430	1.64	1.97	2.30	2.63	2.96	3.18	3.40	3.64	4.28
440	1.66	2.00	2.34	2.68	3.02	3.24	3.46	3.70	4.38
450	1.68	2.03	2.38	2.73	3.08	3.30	3.52	3.76	4.48
460	1.70	2.06	2.42	2.78	3.14	3.36	3.58	3.82	4.58
470	1.72	2.09	2.46	2.83	3.20	3.42	3.64	3.88	4.68
480	1.74	2.12	2.50	2.88	3.26	3.48	3.70	3.94	4.78
490	1.76	2.15	2.54	2.93	3.32	3.54	3.76	4.00	4.88
500	1.78	2.18	2.58	2.98	3.38	3.60	3.82	4.06	4.98
510	1.80	2.21	2.62	3.03	3.44	3.66	3.88	4.12	5.08
520	1.82	2.24	2.66	3.08	3.50	3.72	3.94	4.18	5.18
530	1.84	2.27	2.70	3.13	3.56	3.78	4.00	4.24	5.28
540	1.86	2.30	2.74	3.18	3.62	3.84	4.06	4.30	5.38
550	1.88	2.33	2.78	3.23	3.68	3.90	4.12	4.36	5.48
560	1.90	2.36	2.82	3.28	3.74	3.96	4.18	4.42	5.58
570	1.92	2.39	2.86	3.33	3.80	4.02	4.24	4.48	5.68
580	1.94	2.42	2.90	3.38	3.86	4.08	4.30	4.54	5.78
590	1.96	2.45	2.94	3.43	3.92	4.14	4.36	4.60	5.88
600	1.98	2.48	2.98	3.48	3.98	4.20	4.42	4.66	5.98
610	2.00	2.51	3.02	3.53	4.04	4.26	4.48	4.72	6.08
620	2.02	2.54	3.06	3.58	4.10	4.32	4.54	4.78	6.18
630	2.04	2.57	3.10	3.63	4.16	4.38	4.60	4.84	6.28
640	2.06	2.60	3.14	3.68	4.22	4.44	4.66	4.90	6.38
650	2.08	2.63	3.18	3.73	4.28	4.50	4.72	4.96	6.48
660	2.10	2.66	3.22	3.78	4.34	4.56	4.78	5.02	6.58
670	2.12	2.69	3.26	3.83	4.40	4.62	4.84	5.08	6.68
680	2.14	2.72	3.30	3.88	4.46	4.68	4.90	5.14	6.78
690	2.16	2.75	3.34	3.93	4.52	4.74	4.96	5.20	6.88
700	2.18	2.78	3.38	3.98	4.58	4.80	5.02	5.26	6.98
710	2.20	2.81	3.42	4.03	4.64	4.86	5.08	5.32	7.08
720	2.22	2.84	3.46	4.08	4.70	4.92	5.14	5.38	7.18
730	2.24	2.87	3.50	4.13	4.76	4.98	5.20	5.44	7.28
740	2.26	2.90	3.54	4.18	4.82	5.04	5.26	5.50	7.38
750	2.28	2.93	3.58	4.23	4.88	5.10	5.32	5.56	7.48
760	2.30	2.96	3.62	4.28	4.94	5.16	5.38	5.62	7.58
770	2.32	2.99	3.66	4.33	5.00	5.22	5.44	5.68	7.68
780	2.34	3.02	3.70	4.38	5.06	5.28	5.50	5.74	7.78
790	2.36	3.05	3.74	4.43	5.12	5.34	5.56	5.80	7.88
800	2.38	3.08	3.78	4.48	5.18	5.40	5.62	5.86	7.98
810	2.40	3.11	3.82	4.53	5.24	5.46	5.68	5.92	8.08
820	2.42	3.14	3.86	4.58	5.30	5.52	5.74	5.98	8.18
830	2.44	3.17	3.90	4.63	5.36	5.58	5.80	6.04	8.28
840	2.46	3.20	3.94	4.68	5.42	5.64	5.86	6.10	8.38
850	2.48	3.23	3.98	4.73	5.48	5.70	5.92	6.16	8.48
860	2.50	3.26	4.02	4.78	5.54	5.76	5.98	6.22	8.58
870	2.52	3.29	4.06	4.83	5.60	5.82	6.04	6.28	8.68
880	2.54	3.32	4.10	4.88	5.66	5.88	6.10	6.34	8.78
890	2.56	3.35	4.14	4.93	5.72	5.94	6.16	6.40	8.88
900	2.58	3.38	4.18	4.98	5.78	6.00	6.22	6.46	8.98
910	2.60	3.41	4.22	5.03	5.84	6.06	6.28	6.52	9.08
920	2.62	3.44	4.26	5.08	5.90	6.12	6.34	6.58	9.18
930	2.64	3.47	4.30	5.13	5.96	6.18	6.40	6.64	9.28
940	2.66	3.50	4.34	5.18	6.02	6.24	6.46	6.70	9.38
950	2.68	3.53	4.38	5.23	6.08	6.30	6.52	6.76	9.48
960	2.70	3.56	4.42	5.28	6.14	6.36	6.58	6.82	9.58
970	2.72	3.59	4.46	5.33	6.20	6.42	6.64	6.88	9.68
980	2.74	3.62	4.50	5.38	6.26	6.48	6.70	6.94	9.78
990	2.76	3.65	4.54	5.43	6.32	6.54	6.76	7.00	9.88

Alkalinity (ppm CaCO <sub>3</sub> )									
1	2	3	4	5	6	7	8	9	10
100	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
110	1.01	1.02	1.03	1.04	1.05	1.06	1.07	1.08	1.09
120	1.02	1.04	1.06	1.08	1.10	1.12	1.14	1.16	1.18
130	1.04	1.07	1.10	1.13	1.16	1.19	1.22	1.25	1.28
140	1.06	1.10	1.14	1.18	1.22	1.26	1.30	1.34	1.38
150	1.08	1.13	1.18	1.23	1.28	1.33	1.38	1.43	1.48
160	1.10	1.16	1.22	1.28	1.34	1.40	1.46	1.52	1.58
170	1.12	1.19	1.26	1.33	1.40	1.47	1.54	1.61	1.68
180	1.14	1.22	1.30	1.38	1.46	1.54	1.62	1.70	1.78
190	1.16	1.25	1.34	1.43	1.52	1.61	1.70	1.79	1.88
200	1.18	1.28	1.38	1.48	1.58	1.68	1.78	1.88	1.98
210	1.20	1.31	1.42	1.53	1.64	1.75	1.86	1.97	2.08
220	1.22	1.34	1.46	1.58	1.70	1.82	1.94	2.06	2.18
230	1.24	1.37	1.50	1.63	1.76	1.89	2.02	2.15	2.28
240	1.26	1.40	1.54	1.68	1.82	1.96	2.10	2.24	2.38
250	1.28	1.43	1.58	1.73	1.88	2.03	2.18	2.33	2.48
260	1.30	1.46	1.62	1.78	1.94	2.10	2.26	2.42	2.58
270	1.32	1.49	1.66	1.83	2.00	2.17	2.34	2.51	2.68
280	1.34	1.52	1.70	1.88	2.06	2.24	2.42	2.60	2.78
290	1.36	1.55	1.74	1.93	2.12	2.30	2.49	2.68	2.88
300	1.38	1.58	1.78	1.98	2.18	2.37	2.57	2.77	2.98
310	1.40	1.61	1.82	2.03	2.24	2.44	2.64	2.85	3.08
320	1.42	1.64	1.86	2.08	2.30	2.51	2.72	2.94	3.18
330	1.44	1.67	1.90	2.13	2.36	2.57	2.79	3.01	3.28
340	1.46	1.70	1.94	2.18	2.42	2.64	2.86	3.08	3.38
350	1.48	1.73	1.98	2.23	2.48	2.70	2.92	3.15	3.48
360	1.50	1.76	2.02	2.28	2.54	2.76	2.98	3.28	3.58
370	1.52	1.79	2.06	2.33	2.60	2.82	3.04	3.34	3.68
380	1.54	1.82	2.10	2.38	2.66	2.88	3.16	3.46	3.78
390	1.56	1.85	2.14	2.43	2.72	2.94	3.22	3.52	3.88
400	1.58	1.88	2.18	2.48	2.78	3.00	3.28	3.58	3.98
410	1.60	1.91	2.22	2.53	2.84	3.06	3.34	3.64	4.08
420	1.62	1.94	2.26	2.58	2.90	3.12	3.40	3.70	4.18
430	1.64	1.97	2.30	2.63	2.96	3.18	3.46	3.76	4.28
440	1.66	2.00	2.34	2.68	3.02	3.24	3.52	3.82	4.38
450	1.68	2.03	2.38	2.73	3.08	3.30	3.58	3.88	4.48
460	1.70	2.06	2.42	2.78	3.14	3.36	3.64	3.94	4.58
470	1.72	2.09	2.46	2.83	3.20	3.42	3.70	4.00	4.68
480	1.74	2.12	2.50	2.88	3.26	3.48	3.76	4.06	4.78
490	1.76	2.15	2.54	2.93	3.32	3.54	3.82	4.12	4.88
500	1.78	2.18	2.58	2.98	3.38	3.60	3.88	4.18	4.98
510	1.80	2.21	2.62	3.03	3.44	3.66	3.94	4.24	5.08
520	1.82	2.24	2.66	3.08	3.50	3.72	4.00	4.30	5.18
530	1.84	2.27	2.70	3.13	3.56	3.78	4.06	4.36	5.28
540	1.86	2.30	2.74	3.18	3.62	3.84	4.12	4.42	5.38
550	1.88	2.33	2.78	3.23	3.68	3.90	4.18	4.48	5.48
560	1.90	2.36	2.82	3.28	3.74	3.96	4.24	4.54	5.58
570	1.92	2.39	2.86	3.33	3.80	4.02	4.30	4.60	5.68
580	1.94	2.42	2.90	3.38	3.86	4.08	4.36	4.66	5.78
590	1.96	2.45	2.94	3.43	3.92	4.14	4.42	4.72	5.88
600	1.98	2.48	2.98	3.48	3.98	4.20	4.48	4.78	5.98
610	2.00	2.51	3.02	3.53	4.04	4.26	4.54	4.84	6.08
620	2.02	2.54	3.06	3.58	4.10	4.32	4.60	4.90	6.18
630	2.04	2.57	3.10	3.63	4.16	4.38	4.66	4.96	6.28
640	2.06	2.60	3.14	3.68	4.22	4.44	4.72	5.02	6.38
650	2.08	2.63	3.18	3.73	4.28	4.50	4.78	5.08	6.48
660	2.10	2.66	3.22	3.78	4.34	4.56	4.84	5.14	6.58
670	2.12	2.69	3.26	3.83	4.40	4.62	4.90	5.20	6.68
680	2.14	2.72	3.30	3.88	4.46	4.68	4.96	5.26	6.78
690	2.16	2.75	3.34	3.93	4.52	4.74	5.02	5.32	6.88
700	2.18	2.78	3.38	3.98	4.58	4.80	5.08	5.38	6.98
710	2.20	2.81	3.42	4.03	4.64	4.86	5.14	5.44	7.08
720	2.22	2.84	3.46	4.08	4.70	4.92	5.20	5.50	7.18
730	2.24	2.87	3.50	4.13	4.76	4.98	5.26	5.56	7.28
740	2.26	2.90	3.54	4.18	4.82	5.04	5.32	5.62	7.38
750	2.28	2.93	3.58	4.23	4.88	5.10	5.38	5.68	7.48
760	2.30	2.96	3.62	4.28	4.94	5.16	5.44	5.74	7.58
770	2.32	2.99	3.66	4.33	5.00	5.22	5.50	5.80	7.68
780	2.34	3.02	3.70	4.38	5.06	5.28	5.56	5.86	7.78
790	2.36	3.05	3.74	4.43	5.12	5.34	5.62	5.92	7.88
800	2.38	3.08	3.78	4.48	5.18	5.40	5.68	5.98	7.98
810	2.40	3.11	3.82	4.53	5.24	5.46	5.74	6.04	8.08
820	2.42	3.14	3.86	4.58	5.30	5.52	5.80	6.10	8.18
830	2.44	3.17	3.90	4.63	5.36	5.58	5.86	6.16	8.28
840	2.46	3.20	3.94	4.68	5.42	5.64	5.92	6.22	8.38
850	2.48	3.23	3.98	4.73	5.48	5.70	5.98	6.28	8.48
860	2.50	3.26	4.02	4.78	5.54	5.76	6.04	6.34	8.58
870	2.52	3.29	4.06	4.83	5.60	5.82	6.10	6.40	8.68
880	2.54	3.32	4.10	4.88	5.66	5.88	6.16	6.46	8.78
890	2.56	3.35	4.14	4.93	5.72	5.94	6.22	6.52	8.88
900	2.58	3.38	4.18	4.98	5.78	6.00	6.28	6.58	8.98
910	2.60	3.41	4.22	5.03	5.84	6.06	6.34	6.64	9.08
920	2.62	3.44	4.26	5.08	5.90	6.12	6.40	6.70	9.18
930	2.64	3.47	4.30	5.13	5.96	6.18	6.46	6.76	9.28
940	2.66	3.50	4.34	5.18	6.02	6.24	6.52	6.82	9.38
950	2.68	3.53	4.38	5.23	6.08	6.30	6.58	6.88	9.48
960	2.70	3.56	4.42	5.28	6.14	6.36	6.64	6.94	9.58
970	2.72	3.59	4.46	5.33	6.20	6.42	6.70	7.00	9.68
980	2.74	3.62	4.50	5.38	6.26	6.48	6.76	7.06	9.78
990	2.76	3.65	4.54	5.43	6.32	6.54	6.82	7.12	9.88
1000	2.78	3.68	4.58	5.48	6.38	6.60	6.88	7.18	9.98

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16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217) 785-8439

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO  
MORE THAN ONE KIND OF UTILITY

PART 285

STANDARD FILING REQUIREMENTS FOR ELECTRIC, GAS, WATER AND  
SEWER UTILITIES AND TELECOMMUNICATIONS CARRIERS IN FILING FOR AN  
INCREASE IN RATES

SUBPART A: GENERAL INSTRUCTIONS

Section	Purpose
285.110	Definitions
285.115	Applicability
285.120	Minimum Requirements
285.130	Waiver of Information Requirements
285.140	Compliance
285.145	Test Year
285.150	Submission of Written Testimony
285.160	Schedules
285.170	Working Papers
285.180	

SUBPART B: SUPPLEMENTAL FILING REQUIREMENTS (L)

Section	Information to be Included
285.205	Material to be Filed
285.210	

SUBPART C: SUPPLEMENTAL INFORMATION

Section	Information to be Made Available
285.310	

SUBPART D: PRODUCTIVITY DATA AND COMPONENT EFFICIENCY  
MEASURES (L)

Section	Information to be Made Available
285.405	Productivity Data
285.410	Component Efficiency Measures
285.420	

SUBPART E: PROPRIETARY AND CONFIDENTIAL INFORMATION

Section	Proprietary and Confidential Information
285.510	



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## SUBPART F: REVENUE AND FINANCIAL SUMMARIES

Section	Revenue and Financial Summaries
285.1000	Schedule A-1 Comparison of Present and Proposed Rates
285.1005	Jurisdictional Pro Forma (Non-Telecommunications Carriers)
285.1010	Schedule A-2 Comparison of Present and Proposed Rates (Telecommunications Carriers)
285.1015	Schedule A-3 Overall Financial Summary

## SUBPART G: RATE BASE

Section	Rate Base Instructions
285.2000	Schedule B-1 Jurisdictional Rate Base Summary
285.2005	Schedule B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)
285.2010	Schedule B-2.1 Proposed Adjustments to Plant in Service (Original Cost)
285.2015	Schedule B-2.2 Gross Additions, Retirements and Transfers (Original Cost)
285.2020	Schedule B-2.3 Property Merged or Acquired from Other Utilities
285.2025	Schedule B-2.4 Leased Property Included in Rate Base
285.2030	Schedule B-2.5 Property Held for Future Use Included in Rate Base
285.2035	Schedule B-2.6 Property Excluded from Rate Base
285.2040	Schedule B-3 Depreciation Reserve
285.2045	Schedule B-3.1 Proposed Adjustments to Depreciation Reserve
285.2050	Schedule B-3.2 Depreciation Accrual Rates by Accounts, Functional Class or Major Property Group
285.2055	Schedule B-4 Construction Work in Progress
285.2060	Schedule B-4.1 (L) Construction Work in Progress Percent Complete
285.2065	Schedule B-5 Allowance for Working Capital
285.2070	Schedule B-5.1 Balance Sheet Analysis
285.2075	Schedule B-6 Jurisdictional Allocation Factors
285.2080	Schedule B-6.1 Jurisdictional Allocation
285.2085	Statistics - Rate Base
285.2090	Schedule B-6.2 Explanation of Changes in Allocation Procedures - Rate Base
285.2095	Schedule B-7 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years
285.2100	Fair Value Rate Base
285.2105	Schedule B-8 Jurisdictional Current Value Rate Base Summary

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285.2110	Schedule B-8.1 Current Value Plant in Service by Major Property Grouping or Major Account
285.2115	Schedule B-8.2 Proposed Adjustments to Current Value Plant in Service
285.2120	Schedule B-8.3 Current Value Depreciation Reserve
285.2125	Schedule B-8.4 (L) Adjustments to Current Value Depreciation Reserve

## SUBPART H: OPERATING INCOME

Section	Operating Income Instructions
285.3000	Schedule C-1 Jurisdictional Operating Income Summary
285.3005	Schedule C-2 Detailed Jurisdictional Operating Income Statement
285.3010	Schedule C-3 Summary of Utility Proposed Adjustments
285.3015	Schedules C-3.1, 2, 3, etc. Detailed Adjustments
285.3020	Schedule C-4 Reconciliation of Filed Operating Income and Expense
285.3025	Schedule C-5 Summary of Jurisdictional Allocational Factors
285.3030	Schedule C-5.1 Allocation Statistics
285.3035	Schedule C-5.2 Explanation of Changes in Allocation Procedures
285.3040	Account Analyses
285.3045	Schedule C-6 Income Tax
285.3050	Schedule C-6.1 Investment Tax and Job Development Credits
285.3055	Schedule C-7 Social and Service Club Membership Dues
285.3060	Schedule C-8 Charitable Contributions
285.3061	Schedule C-9 Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses
285.3065	Schedule C-10 Civil, Political and Related Activities
285.3070	Schedule C-11 Rate Case Expense
285.3075	Schedule C-12 Payroll Costs
285.3080	Schedule C-12.1 Executive Compensation
285.3085	Schedule C-13 Summary of Affiliated Interest Transactions
285.3090	Schedule C-14 Computation of Gross Revenue Conversion Factor
285.3095	Schedule C-15 Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years
285.3100	Schedule C-16.1 (L) Sales Statistics - Total Company Revenue (Electric and Gas)
285.3110	Schedule C-16.2 (L) Sales Statistics - Total Company Sales Volume (Electric and Gas)
285.3115	Schedule C-16.3 (L) Sales Statistics - Jurisdictional Revenue (Electric and Gas)
285.3120	

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285.3125 Schedule C-16.4 (L) Sales Statistics - Jurisdictional  
Sales Volume (Electric and Gas)  
285.3130 Schedule C-17 Long-Run Marginal Cost Study(lies)  
(Telecommunications)

SUBPART I: RATE OF RETURN

Section  
285.4000 Schedule D-1 Cost of Capital Summary  
285.4001 Terms Used in Subpart I  
285.4005 Schedule D-2 Cost of Short-Term Debt  
285.4010 Schedule D-3 Embedded Cost of Long-Term Debt,  
including Notes  
285.4015 Schedule D-4 Embedded Cost of Preferred Stock  
285.4020 Schedule D-5 Comparative Financial Data  
285.4025 Schedule D-6 Statement of Cash Flows

SUBPART J: RATES AND TARIFFS

Section  
285.5000 Schedule E-1 Copy of Proposed Tariff Schedules  
285.5005 Schedule E-2 Scored Copy of Proposed Tariff Schedules  
285.5010 Schedule E-3 Narrative Rationale for Tariff Changes  
285.5015 Schedule E-4 Jurisdictional Operating Revenue  
285.5020 Schedule E-5 Billing Units  
285.5025 Schedule E-6 Typical Bill Comparison

ILLUSTRATION A Working Papers Referencing System  
EXHIBIT A Revenue and Financial Summaries (Repealed)  
EXHIBIT B Rate Base (Repealed)  
EXHIBIT C Operating Income (Repealed)  
EXHIBIT D Rate of Return (Repealed)  
EXHIBIT E Rates and Tariffs (Repealed)

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. ~~1989~~ 1991, ch. 111 2/3, pars. 9-201 and 10-101) [220 ILCS 5/9-201 and 10-101].

SOURCE: Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25, 1986; amended at 14 Ill. Reg. 6000, effective May 1, 1990; amended at 15 Ill. Reg. 16050, effective November 1, 1991; amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.

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SUBPART G: RATE BASE SCHEDULES

Section 285.2045 Schedule B-3 Depreciation Reserve

a) List depreciation reserve by major property grouping, functional class or account numbers. If depreciation reserves are not kept by major property groupings but are kept in total, only the totals should be given. In the case of electric utilities, this reserve shall be adjusted as required to take account of depreciation expense computed in accordance with Section 285.3005(c) of this Part. In the case of water and/or sewer companies, only totals in Schedule B-3 are required. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Functional class, major property group or account number;
- 3) Total company;
- 4) Allocated percentage;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdictional amount.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

SUBPART H: OPERATING INCOME

Section 285.3005 Schedule C-1 Jurisdictional Operating Income Summary

a) For the Test Year, provide the jurisdictional operating income statement by major category (sources of income by grouping of types of service) for the jurisdiction for which a rate increase is requested, both at the present rates and at the proposed rates.

b) Data to be covered include:

- 1) Line number;
- 2) Description (operating revenue, operating expenses, operation & maintenance, depreciation, taxes, federal income taxes, state income taxes, total operating expenses, income available from jurisdictional operations, rate base, rate of return);



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- 3) Present rates;
- 4) Test Year proposed increase;
- 5) Test Year proposed rates;
- 6) Historical year at present and proposed rates.

c) In the case of electric utilities, the test year data for depreciation expense and the nuclear generating plant decommissioning expense component of operation and maintenance expense should be based on a useful life for utility plant that begins in each case on the date on which the cost of the item of plant is first reflected in electric service rates, provided that there is or is likely to be a period of three months or more, due to circumstances beyond the utility's control, between the in-service date of the item of plant and the date on which its cost is reflected in the utility's rates and provided that recording of depreciation or decommissioning expense before the date on which the plant's cost is reflected in rates could significantly and adversely affect the utility's earnings, as well as its short-term and long-term cost of capital. If actual financial data are available, such data shall be relevant and material evidence in determining whether the utility's financial position has been or could be adversely affected. Any recovery in a rate case of depreciation and decommissioning expense accrued between the in-service date of utility plant and the date on which the plant's cost is reflected in rates shall be limited to the net loss the utility suffers due to the failure to synchronize those dates, as required by the Illinois Supreme Court in Business and Professional People for the Public Interest v. Illinois Commerce Commission, 146 Ill. 2d 175 (1991).

(Source:  
1994)

Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1,

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- 1) The Heading of the Part: Uniform System of Accounts for Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 415
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
415.10	Amendment
415.20	Amendment
415.210	Amendment
415.250	Amendment
415.270	Repeal
415.280	Repeal
415.420	Repeal
415.430	Amendment
415.450	Repeal
415.1020	Repeal
415.1080	Repeal
415.2010	New Section
415.2070	New Section
415.2110	New Section
415.2140	New Section
415.4390	Amendment
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and implementing Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- 5) Effective Date of Amendments: July 1, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? Yes.
- 8) Date Filed in Agency's Principal Office: June 8, 1994.
- 9) Notice of Proposal Published in Illinois Register:  
January 28, 1994, at 18 Ill. Reg. 937.
- 10) Has JCAR issued a Statement of Objections to this rulemaking?  
No.

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- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
415.411	New Section	18 Ill. Reg. 4490
415.4118	New Section	18 Ill. Reg. 4490
415.4119	New Section	18 Ill. Reg. 4490

- 15) Summary and Purpose of Amendments: These amendments will update the Commission's incorporation by reference of the Federal Energy Regulatory Commission's uniform system of accounts, will transfer authority for certain deviations from the Chief Accountant to the Commission, will add accounts for common stock issuances, and will delete unnecessary language deviations.

- 16) Information and questions regarding this adopted shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER C: ELECTRIC UTILITIES

## PART 415

## UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section	
415.10	Adoption of 18 CFR 101 by Reference
415.20	Adoption of 18 CFR 116 by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section	
415.200	Definitions
415.210	General Instruction 1
415.210	General Instruction 5
415.250	General Instruction 7 ( <u>Repealed</u> )
415.270	General Instruction 7.1 ( <u>Repealed</u> )
415.280	General Instruction 12 ( <u>Repealed</u> )
415.330	General Instruction 13
415.340	General Instruction 17
415.380	General Instruction 18
415.390	General Instruction 20
415.410	Electric Plant Instruction 2 ( <u>Repealed</u> )
415.420	Electric Plant Instruction 3
415.430	Electric Plant Instruction 5 ( <u>Repealed</u> )
415.450	Electric Plant Instruction 7
415.470	Electric Plant Instruction 10
415.500	Income Chart of Accounts
415.940	Operation and Maintenance Expense Chart of Accounts
415.970	Account 102 ( <u>Repealed</u> )
415.1020	Account 105
415.1050	Account 108 ( <u>Repealed</u> )
415.1080	Accounts 201, 202, 203, and 204
415.2010	Account 207
415.2070	Account 211
415.2110	Account 214
415.2140	Account 416
415.4160	Account 426.1
415.4261	Account 439
415.4390	Account 518
415.5180	Accounts 914 and 915
415.9140	Account 930.2



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APPENDIX G Operation and Maintenance Expense Accounts  
EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1987 1991, ch. 111 2/3, pars. 5-102, 5-103, and 10-101) [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at 12 Ill. Reg. 11710, effective July 15, 1988; amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF  
CFR PROVISIONS BY REFERENCE

## Section 415.10 Adoption of 18 CFR 101 by Reference

The Illinois Commerce Commission ("Commission") adopts 18 CFR 101, as of February 12, 1985 April 1, 1993, as its uniform system of accounts for electric utilities, subject to the exceptions set forth in Section 415.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.20 Adoption of 18 CFR 116 by Reference

The Illinois Commerce Commission adopts 18 CFR 116, as of January 1, 1988 April 1, 1993, as its prescription of units of property for use in accounting for additions to and retirements of electric plant. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

## Section 415.210 General Instruction 1

General Instruction 1, "Classification of Utilities," is deleted and replaced by the following:

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"A. This system of accounts applies to all utilities; provided, however, if in the opinion of any utility having annual operating revenues of less than \$10,000,000, this system of accounts should prove to be unduly burdensome, such utility may, with the approval of the ~~Chief Accountant~~ Director of Accounting of the Commission, group or combine certain accounts herein in order that the accounting requirements for small utilities may conform more nearly to the nature and volume of business transacted. Requests to group or combine accounts shall be made in writing, including a statement of the proposed modifications. In determining whether this system of accounts is unduly burdensome with respect to a utility, the ~~Chief Accountant~~ Director of Accounting shall consider, among other things, whether compliance will require additional personnel or additional office equipment, such as electronic data processing equipment. The ~~Chief Accountant~~ Director of Accounting shall make this determination within six months of receiving the written request. Having obtained such approval, the utility shall continue to use the system as modified on a consistent basis.

B. For purposes of implementation, all electric utilities subject to Illinois Commerce Commission jurisdiction shall be regarded as "major" utilities. Account designations, instructions, interpretations, and references to "nonmajor" utilities will not apply.

C. The Commission does not commit itself to the approval or acceptance of any item set out in any account, for the purpose of fixing rates or in determining other matters before the Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.250 General Instruction 5

In General Instruction 5, "Submittal of Questions," the phrase "~~Chief Accountant~~ Director of Accounting of the" is added between "the" and "Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

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## Section 415.270 General Instruction 7 (Repealed)

In General Instruction 7, "Extraordinary Items," the phrase "Chief Accountant of the" is added before "Commission."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.280 General Instruction 7.1 (Repealed)

In General Instruction 7.1, "Prior Period Items," the phrase "Chief Accountant of the" is added between "request" and "Commission."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.420 Electric Plant Instruction 2 (Repealed)

In Electric Plant Instruction 2, "Electric Plant To Be Recorded at Cost," the following is added as Paragraph E:

"E. The cost of other value of plant contributed to the utility and contributions in the form of money or its equivalent toward the construction of electric plant recorded in accordance with the prior system of accounts under the account caption, Contributions in Aid of Construction, requires reclassification. The Contribution in Aid of Construction account has been deleted from this system of accounts. Twelve months from the effective date of this system of accounts, each utility shall submit to the Chief Accountant of this Commission its proposed journal entries to record such reclassifications. The submission shall be accompanied by sufficient detail and explanation to support the appropriate disposition of the balance existing as of the effective date of this system of accounts. The detail and explanation will be deemed sufficient if it allows the auditor to verify calculations submitted by the utility, and may include, among other things, an identification of contributions by source and purpose, information concerning depreciation, and information provided by a debit and credit approach concerning specific parcels of property."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

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## Section 415.430 Electric Plant Instruction 3

In Electric Plant Instruction 3, "Components of Construction Cost," the changes set forth in the remainder of this Section are made.

a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."

b) The following is added as Paragraph (17)(c):

"(c) All deviations from the AFUDC formula shown in Electric Plant Instruction 3(17)(a) above must have approval from the Chief Accountant of the Commission before implementation. In determining whether to approve such deviations, the Chief Accountant Commission will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.450 Electric Plant Instruction 5 (Repealed)

In Electric Plant Instruction 5, "Electric plant purchased or sold," in Paragraph D, the phrase "Chief Accountant of the" is added between "the" and "Commission."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.1020 Account 102 (Repealed)

In Account 102, "Electric plant purchased or sold," in Paragraph D, the phrase "Chief Accountant of the" is added between "the" and "Commission."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

## Section 415.1080 Account 108 (Repealed)

In Account 108, "Accumulated provision for depreciation of electric utility plant," the following is added as Paragraph F:

"F. Not later than twelve months after the effective date of this system of accounts, each utility shall submit to the Chief Accountant of this Commission the method used in the



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~~segregation of the composite accumulated provision for depreciation into the functional categories heretofore prescribed. A narrative statement shall accompany the submission describing the methodology pursued to the end that a ready analysis with respect to sufficiency thereof may be made. The narrative statement will be analyzed to determine whether the proposed segregation complies with the requirements of Accounts 108."~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.)

Section 415.2010 Accounts 201, 202, 203, and 204

In Account 201, Common Stock Issued, Account 202, Common Stock Subscribed, Account 203, Common Stock Liability for Conversion, and Account 204, Preferred Stock Issued, the following changes are adopted:

a) Identify the NOTE as NOTE A.

b) Adopt the following as NOTE B:

"Records with respect to this account shall be maintained so as to identify the amount of discount, including underwriting discounts recorded in this account. The records shall be kept so as to show separately the amount of discount on common stock issuances and preferred issuances. Amounts which have been recovered through rates shall also be identified separately. The details of this account as to amounts of discount on common and preferred stock issuances and amounts recovered through rates shall be disclosed in the annual report to the Commission (ICC Form 21). This procedure may be followed for existing common stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 415.2070 Account 207

In Account 207, Premium on Capital Stock, add the following as NOTE A:

"Records with respect to this account shall be maintained so as to identify the amount of discount, including underwriting discounts recorded in this account. The records shall be kept

## ILLINOIS COMMERCE COMMISSION

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so as to show separately the amount of discount on common stock issuances and preferred issuances. Amounts which have been recovered through rates shall also be identified separately. The details of this account as to amounts of discount on common and preferred stock issuances and amounts recovered through rates shall be disclosed in the annual report to the Commission (ICC Form 21). This procedure may be followed for existing common stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 415.2110 Account 211

In Account 211, Miscellaneous Paid In Capital, delete the word "all" in the last sentence of the first paragraph.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 415.2140 Account 214

In Account 214, Capital Stock Expense, add the following to NOTE B:

"The utility may elect to delay amortization of common stock expenses until the Commission determines the recoverability of such expenses through rates. In any case, only those common stock expenses which remain unrecovered through rates shall be recorded in this account. Common stock expenses that have been recovered through rates shall be amortized to Account 211, Miscellaneous Paid-In-Capital. This procedure may be followed for existing capital stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 415.4390 Account 439

Account 439, "Adjustments to retained earnings." The phrase "Chief Accountant Director of Accounting of the" is added before "Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Uniform System of Accounts for Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 505

3) Section Numbers: Adopted Action:

505.10	Amendment
505.20	Amendment
505.210	Amendment
505.250	Amendment
505.270	Repeal
505.280	Repeal
505.330	Amendment
505.370	Amendment
505.420	Repeal
505.430	Amendment
505.450	Repeal
505.470	Amendment
505.500	Amendment
505.1020	Repeal
505.1080	Repeal
505.2010	New Section
505.2070	New Section
505.2110	New Section
505.2140	New Section
505.4090	Repeal
505.4390	Amendment

4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 5-102, 5-103, and 10-101)[220 5/5-102, 5-103, and 10-101].

5) Effective Date of Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? Yes, no JCAR approval required.

8) Date Filed in Agency's Principal Office: June 8, 1994

9) Notice of Proposal Published in Illinois Register:

January 28, 1994, at 18 Ill. Reg. 946.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version: No change.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.

13) Will these amendments replace an emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: These amendments will update the Commission's incorporation by reference of the Federal Energy Regulatory Commission's uniform system of accounts, will transfer authority for certain deviations from the Chief Accountant to the Commission, will add accounts for common stock issuances, and will delete unnecessary language deviations.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-8439

The full text of the Adopted Amendments begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

PART 505  
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS  
BY REFERENCE

Section  
505.10 Adoption of 18 CFR 201 by Reference  
505.20 Adoption of 18 CFR 216 by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section  
505.200 Definitions  
505.210 General Instruction 1  
505.210 General Instruction 5  
505.250 General Instruction 7 (Repealed)  
505.270 General Instruction 7.1 (Repealed)  
505.280 General Instruction 12  
505.330 General Instruction 13  
505.340 General Instruction 16  
505.370 General Instruction 17  
505.380 General Instruction 18  
505.390 General Instruction 20  
505.410 Gas Plant Instruction 2 (Repealed)  
505.420 Gas Plant Instruction 3  
505.430 Gas Plant Instruction 5 (Repealed)  
505.450 Gas Plant Instruction 7  
505.470 Gas Plant Instruction 10  
505.500 Gas Plant Instruction 15  
505.550 Income Chart of Accounts  
505.940 Operation and Maintenance Expense Chart of Accounts  
505.970 Account 102 (Repealed)  
505.1020 Account 103  
505.1030 Account 105  
505.1050 Account 105.1  
505.1051 Account 108 (Repealed)  
505.1080 Account 166  
505.1660 Accounts 201, 202, 203, and 204  
505.2010 Account 207  
505.2070 Account 211  
505.2110 Account 214  
505.2140 Account 214  
505.4090 Account 409 (Reserved) (Repealed)  
505.4160 Account 416

## ILLINOIS COMMERCE COMMISSION

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505.4261 Account 426.1  
505.4390 Account 439  
505.9140 Accounts 914 and 915  
505.9302 Account 930.2

APPENDIX G Operation and Maintenance Expense Accounts  
EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, pars. 5-102, 5-103, and 10-101) [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted July 14, 1960, effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 177, effective January 1, 1984; amended at 9 Ill. Reg. 4022, effective April 1, 1985; amended at 9 Ill. Reg. 13083, effective August 15, 1985; amended at 13 Ill. Reg. 10858, effective July 1, 1989; amended at 14 Ill. Reg. 1605, effective January 16, 1990; amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF  
CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of January 1, 1988 April 1, 1993, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Section 505.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.20 Adoption of 18 CFR 216 by Reference

The Illinois Commerce Commission adopts 18 CFR 216 as of April 1, 1993 (1982) as its prescription of units of property for use in accounting for additions to and retirements of gas plant. No incorporation of 18 CFR 216 in this Part includes any later amendment or edition.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## ILLINOIS COMMERCE COMMISSION

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## SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

## Section 505.210 General Instruction 1

General Instruction 1, "Classification of Utilities," is deleted and replaced by the following:

"A. This system of accounts applies to all utilities; provided, however, if in the opinion of any utility having annual operating revenues of less than \$10,000,000, this system of accounts should prove to be unduly burdensome, such utility may, with the approval of the ~~Chief Accountant~~ Director of Accounting of the Commission, group or combine certain accounts herein in order that the accounting requirements for small utilities may conform more nearly to the nature and volume of business transacted. Requests to group or combine accounts shall be made in writing, including a statement of the proposed modifications. In determining whether this system of accounts is unduly burdensome with respect to a utility, the ~~Chief Accountant~~ Director of Accounting shall consider, among other things, whether compliance will require additional personnel or additional office equipment such as electronic data processing equipment. The ~~Chief Accountant~~ Director of Accounting shall make this determination within six months of receiving the written request. Having obtained such approval, the utility shall continue to use the system as modified on a consistent basis.

B. For purpose of implementation, all gas utilities subject to Illinois Commerce Commission jurisdiction shall be regarded as "major" utilities. Account designations, instructions, and references to "nonmajor" utilities will not apply.

C. The Commission does not commit itself to the approval or acceptance of any item set out in any account, for the purpose of fixing rates or in determining other matters before the Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## ILLINOIS COMMERCE COMMISSION

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## Section 505.250 General Instruction 5

In General Instruction 5, "Submittal of Questions," the phrase "~~Chief Accountant~~ Director of Accounting of the" is added between "the" and "Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.270 General Instruction 7 (Repealed)

In General Instruction 7, "~~Extraordinary Items~~," the phrase "~~Chief Accountant of the~~" is added before "~~Commission~~."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.280 General Instruction 7.1 (Repealed)

In General Instruction 7.1, "~~prior period items~~," the phrase "~~Chief Accountant of the~~" is added between "~~request~~" and "~~Commission~~."

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.330 General Instruction 12

In General Instruction 12, "Records for Each Plant," in Paragraph B, the phrase "~~Chief Accountant~~ Director of Accounting of the" is added between "the" and "Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.370 General Instruction 16

In General Instruction 16, "Accounting for Costs of gas production by pipelines and pipeline affiliates," "~~significance of Commission opinion Nos. 568 and 568A on accounting~~," the phrase "Federal Energy Regulatory Commission (FERC)" is substituted for the word "Commission" wherever that word appears.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.420 Gas Plant Instruction 2 (Repealed)

In Gas Plant Instruction 2, "~~Gas plant to be recorded at cost~~," the following is added as Paragraph B:



## ILLINOIS COMMERCE COMMISSION

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~~F. The cost or other value of plant contributed to the utility and contributions in the form of money or its equivalent toward the construction of gas plant recorded in accordance with the prior system of accounts under the account caption, Contributions in Aid of Construction, requires reclassification. The Contribution in Aid of Construction account has been deleted from this system of accounts. Twelve months from the effective date of this system of accounts, each utility shall submit to the Chief Accountant of this Commission its proposed journal entries to record such reclassifications. The submission shall be accompanied by sufficient detail and explanation to support the appropriate disposition of the balance existing as of the effective date of this system of accounts. The detail and explanation will be deemed sufficient if it allows the auditor to verify calculations submitted by the utility, and may include, among other things, an identification of contributions by source and purpose, information concerning depreciation, and information provided by a debit and credit approach concerning specific parcels of property."~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.430 Gas Plant Instruction 3

In Gas Plant Instruction 3, "Components of construction cost," the changes set forth in the remainder of this Section are made.

- a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."
- b) The following is added as Paragraph (17)(c):

"(c) All deviations from the AFUDC formula shown in Gas Plant Instruction 3 (17)(a) above must have approval from the Chief Accountant of the Commission before implementation. In determining whether to approve such deviations, the Commission Chief Accountant will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

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## Section 505.450 Gas Plant Instruction 5 (Repealed)

~~In Gas Plant Instruction 5, "Gas plant purchased or sold," in paragraph D, the phrase "Chief Accountant of the" is added between "the" and "Commission."~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.470 Gas Plant Instruction 7

~~In Gas Plant Instruction 7, "Land and Land Rights," in Paragraph E, the phrase "411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in Account 105, Gas Plant Held for Future Use, or in the case of major companies, Account 105.1, Production Properties Held for Future Use, otherwise to account" is deleted.~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.500 Gas Plant Instruction 10

~~In Gas Plant Instruction 10, "Additions and Retirements of Gas Plant," in Paragraph E, the phrase "411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in Account 105, Gas Plant Held for Future Use, or in the case of major companies, Account 105.1, Production Properties Held for Future Use, otherwise to accounts" is deleted.~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.1020 Account 102 (Repealed)

~~In Account 102, "Gas plant purchased or sold," in Paragraph B, the phrase "Chief Accountant of the" is added between "the" and "Commission."~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## Section 505.1080 Account 108 (Repealed)

~~In Account 108, "Accumulated provision for depreciation of gas utility plant," the following is added as paragraph F:~~

~~"F. Not later than twelve months after the effective date of this system of accounts, each utility shall submit to the Chief Accountant of this Commission the~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

~~method used in the segregation of the composite accumulated provision for depreciation into the functional categories heretofore prescribed. A narrative statement shall accompany the submission describing the methodology pursued to the end that a ready analysis with respect to sufficiency thereof may be made. The narrative statement will be analyzed to determine whether the proposed segregation complies with the requirements of Account 108."~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.2010 Accounts 201, 202, 203, and 204

In Account 201, Common Stock Issued, Account 202, Common Stock Subscribed, Account 203, Common Stock Liability for Conversion, and Account 204, Preferred Stock Issued, the following changes are adopted:

- a) Identify the NOTE as NOTE A.
- b) Adopt the following as NOTE B:

"Records with respect to this account shall be maintained so as to identify the amount of discount, including underwriting discounts recorded in this account. The records shall be kept so as to show separately the amount of discount on common stock issuances and preferred issuances. Amounts which have been recovered through rates shall also be identified separately. The details of this account as to amounts of discount on common and preferred stock issuances and amounts recovered through rates shall be disclosed in the annual report to the Commission (ICC Form 21). This procedure may be followed for existing common stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.2070 Account 207

In Account 207, Premium on Capital Stock, add the following as NOTE A:

"Records with respect to this account shall be maintained so as to identify the amount of discount, including underwriting discounts recorded in this account. The records shall be kept

## ILLINOIS COMMERCE COMMISSION

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so as to show separately the amount of discount on common stock issuances and preferred issuances. Amounts which have been recovered through rates shall also be identified separately. The details of this account as to amounts of discount on common and preferred stock issuances and amounts recovered through rates shall be disclosed in the annual report to the Commission (ICC Form 21). This procedure may be followed for existing common stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.2110 Account 211

In Account 211, Miscellaneous Paid In Capital, delete the word "all" in the last sentence of the first paragraph.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.2140 Account 214

In Account 214, Capital Stock Expense, add the following to NOTE B:

"The utility may elect to delay amortization of common stock expenses until the Commission determines the recoverability of such expenses through rates. In any case, only those common stock expenses which remain unrecovered through rates shall be recorded in this account. Common stock expenses that have been recovered through rates shall be amortized to Account 211, Miscellaneous Paid-In-Capital. This procedure may be followed for existing capital stock expenses which have not been recovered through rates as of December 31, 1993."

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

Section 505.4090 Account 409 (Reserved) (Repealed)

~~The amendment to Account 409 "(reserved)" refers to Account 410 (reserved) in error and should read Account 409 (reserved).~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)



## ILLINOIS COMMERCE COMMISSION

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Section 505.4390 Account 439

Account 439, "Adjustments to retained earnings." The phrase "Chief Accountant Director of Accounting of the" is added before "Commission."

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## ILLINOIS HEALTH FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Sale of Bonds
- 2) Code Citation: 77 Ill. Adm. Code 1400
- 3) Section Numbers:

1400.10	Amendment
1400.20	Repeal
1400.30	Repeal
1400.110	Amendment
1400.TABLE A	Repeal
1400.TABLE B	Repeal

Adopted Action:
- 4) Statutory Authority: Implementing Section 4.17 and authorized by Section 4.01 of the Illinois Health Facilities Authority Act (Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1104.17 and 1104.01) [20 ILCS 3705/4.01 and 4.17].
- 5) Effective Date of Amendments: June 30, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 30, 1994.
- 9) Notice(s) of Proposal Published in Illinois Register: March 25, 1994 at 18 Ill. Reg. 4538.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.
- 11) Difference(s) between Proposal and final version:

Table of Contents

To correct the title for Section 1400.30, replace the word "Authority" with the word "Application".

ILLINOIS HEALTH FACILITIES AUTHORITY  
NOTICE OF ADOPTED AMENDMENTS

Authority Note

Insert "(Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1104.17 and 1104.01)(20 ILCS 3705/4.17 and 4.01]" in lieu of "(Ill. Rev. Stat. 1991, ch. 111-2/3, pars. 1104.17 and 1104.01) [20 ILCS 3705/4.17 and 20 ILCS 3705/4.01]".

Section 1400.10

In the title for Section 1400.10, delete the period after the word "Initial".

Include commas after "1994" in Section 1400.10(c).

Show "provided that" in Section 1400.10(c) in regular, not italicized, type face.

Section 1400.20

In the title for Section 1400.20, to insert the word "utilizing" before "standardized" and to correct the word "that" to state "than".

Section 1400.30

Delete the Section source note.

Section 1400.110

Show "provided however" in Section 1400.110(a) in regular, not italicized, typeface.

Include commas after "1994" in Section 1400.110(b).

Show "provided that" in Section 1400.110(c) in regular, not italicized, typeface.

Section 1400.TABLE B

In the title for Section 1400.TABLE B, insert the word "Application" between "Authority" and "Fee".

Delete the Section source note.

ILLINOIS HEALTH FACILITIES AUTHORITY  
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of these amendments: Section 4.17 of the Illinois Health Facilities Authority Act (the "Act") authorizes the Illinois Health Facilities Authority (the "Authority") to charge to and apportion among institutions seeking financing through the Authority under the Act the Authority's administrative costs and expenses through application, annual and other fees. Pursuant to these amendments, the Authority has lowered both the initial application fee and the annual fees that it charges to such institutions.
- 16) Information and questions regarding these amendments shall be directed to:

Name: Mary M. McInerney  
Executive Director

Address: Illinois Health Facilities Authority  
35 East Wacker Drive - Suite 2188  
Chicago, Illinois 60601

Telephone: 312-782-9447  
TDD: 312-782-9272

The full text of the adopted amendments begins on the next page:



## ILLINOIS HEALTH FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH  
CHAPTER III: ILLINOIS HEALTH FACILITIES AUTHORITYPART 1400  
SALE OF BONDS

Section 1400.5 Fees and Costs Applicable to the Sale of Bonds  
1400.10 Authority Fee --Application--(Except--for--short-term--Equipment  
Financings--equal--to--or--less--than--\$37000,000--and--utilizing  
standardized-legal-documents) Initial  
1400.20 Authority Fee - Application (For short-term Equipment Financings  
equal to or less than \$3,000,000 and utilizing standardized legal  
documents) (Repealed)

1400.30 Payment of Application Fee (Repealed)

1400.40 Financial Feasibility Costs

1400.50 Bond Rating Agency Fees

1400.60 Printing Costs

1400.70 Bond Counsel

1400.80 Trustee Fees

1400.90 Title Insurance

1400.100 Payment of Fees and Costs

1400.110 Authority's Annual Fee

TABLE A Authority Application (Except for short-term financing etc.)

(Repealed)

TABLE B Authority Application Fee (For short-term financing etc.)

(Repealed)

AUTHORITY: Implementing Section 4.17 and authorized by Section 4.01 of the  
Illinois Health Facilities Authority Act (Ill. Rev. Stat. 1991, ch. 111-1/2,  
pars. 1104.17 and 1104.01) [20 ILCS 3705/4.17 and 4.01].

SOURCE: Adopted at 3 Ill. Reg. 38, p. 213, effective September 21, 1979;  
amended at 6 Ill. Reg. 5507, effective April 19, 1982; codified at 8 Ill. Reg.  
18471; amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JUN 30 1994

Section 1400.10 Authority Fee --Application--(Except--for--short-term--Equipment  
Financings--equal--to--or--less--than--\$3,000,000--and--utilizing--standardized-legal  
documents) Initial

This-fee-schedule-is-found-in-Table-A-

a) Except with respect to equipment financings and financings involving  
multiple, unaffiliated borrowers, the Authority's initial fee for a  
proposed financing transaction is determined by the principal amount  
of the proposed financing, as provided in the following table:

Principal

## ILLINOIS HEALTH FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT(S)

Amount of Proposed Financing	Amount of Initial Fee
Up to \$5,000,000	\$20,000
\$5,000,001 to \$25,000,000	\$20,000 plus 0.075% of the principal amount in excess of \$5,000,000
\$25,000,001 to \$75,000,000	\$35,000 plus 0.06% of the principal amount in excess of \$25,000,000
Over \$75,000,000	\$65,000

b) The initial fee is payable as follows:

1) 5% of the initial fee is payable following the organizational  
meeting relating to the proposed financing;

2) 50% of the initial fee is payable following the issuance of the  
preliminary Official Statement or other offering document related  
to the proposed financing; and

3) 45% of the initial fee is payable upon the closing of the  
financing.

c) Upon the effectiveness of this rule, the Authority shall, with respect  
to all initial fees due and payable after January 1, 1994, credit  
against the unpaid amount thereof the difference (the "Fee  
Difference") between the aggregate amount of such fees payable prior  
to the effectiveness of this rule and the aggregate amount of such  
fees payable after the effectiveness of this rule; provided that, if  
the initial fees due and payable after January 1, 1994, by an  
institution in respect of a financing have been paid in full, the  
Authority shall refund the fee difference to such institution.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JUN 30 1994)

Section 1400.20 Authority Fee - Application (For short-term Equipment  
Financings equal to or less than \$3,000,000 and utilizing standardized legal  
documents) (Repealed)

This-fee-schedule-is-found-in-Table-B-

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
JUN 30 1994)

Section 1400.30 Payment of Application Fee (Repealed)

The-Authority's-application-fee-is-payable-as-follows:

a) 5% of the fee is payable with the application;

b) if the project is determined to be financially feasible and the

## ILLINOIS HEALTH FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT(S)

applicant agrees to proceed with the financing, the balance of the fee is due in two installments:

- 1) 50% of the fee is due when financial feasibility is determined by the Authority;
- 2) 45% of the fee is due when the bond sale is closed, or, if the Authority determines that bonds will not be sold on a reasonable schedule or that having been sold, the sale of bonds will not be closed on a reasonable schedule, upon request of the Authority;
- c) The 50% and 45% installments apply only to the extent that the direct costs incurred do not exceed the portion of the application fee due. If a financing is aborted at any stage, the institution will pay the excess of total direct costs incurred over the cumulative application fees collected.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective

JUN 30 1994)

## Section 1400.110 Authority's Annual Fee

In addition to the application and processing fee set forth above, the Illinois Health Facilities Authority Act under which the Authority is created requires that the Authority charge each institution which is financed through the Authority a prorated portion of the Authority's operating expenses. The Authority's annual fee is presently .05% of the outstanding principal amount of bonds under each issue (except equipment financing). The Authority's annual fee for equipment is .035% of the outstanding principal amount of notes under each issue.

- a) Each institution which obtains financing through the Authority shall pay an annual fee to the Authority. Except with respect to equipment financings and financings involving multiple, unaffiliated borrowers, the annual fee payable by an institution shall equal 0.025 percent of the outstanding principal balance of such institution's financing from the Authority, provided, however, such fee shall not exceed \$15,000 per year per issue.

- b) Upon the effectiveness of this rule, the Authority shall, with respect to all annual fees due and payable after January 1, 1994, credit against the unpaid amount thereof the difference (the "Annual Fee Difference") between the aggregate amount of such fees payable prior to the effectiveness of this rule and the aggregate amount of such fees payable after the effectiveness of this rule; provided that, if the annual fees due and payable after January 1, 1994, by an institution have been paid in full, the Authority shall refund the Annual Fee Difference to such institution.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective

JUN 30 1994)

## ILLINOIS HEALTH FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 1400. TABLE A Authority Application (Except for short-term financing etc.) (Repealed)

## BOND ISSUES

Under \$500,000

BOND ISSUES	Authority Fee	Authority Fee
\$---500,000--	\$---999,999	\$12,000
--37,000,000--	--1,499,999	--13,000
--17,500,000--	--1,999,999	--14,000
--27,000,000--	--2,499,999	--14,750
--37,500,000--	--2,999,999	--15,500
--47,000,000--	--3,499,999	--16,250
--57,500,000--	--3,999,999	--17,000
--67,000,000--	--4,499,999	--17,750
--77,500,000--	--4,999,999	--18,500
--87,000,000--	--5,499,999	--19,250
--97,500,000--	--5,999,999	--20,000
--107,000,000--	--6,499,999	--20,750
--117,500,000--	--6,999,999	--21,500
--127,000,000--	--7,499,999	--22,250
--137,500,000--	--7,999,999	--23,000
--147,000,000--	--8,499,999	--23,750
--157,500,000--	--8,999,999	--24,500
--167,000,000--	--9,499,999	--25,250
--177,500,000--	--9,999,999	--26,000
--187,000,000--	--10,499,999	--26,750
--197,500,000--	--10,999,999	--27,000
--207,000,000--	--11,499,999	--27,250
--217,500,000--	--11,999,999	--27,500
--227,000,000--	--12,499,999	--27,750
--237,500,000--	--12,999,999	--28,000
--247,000,000--	--13,499,999	--28,250
--257,500,000--	--13,999,999	--28,500
--267,000,000--	--14,499,999	--28,750
--277,500,000--	--14,999,999	--29,000
--287,000,000--	--15,499,999	--29,250
--297,500,000--	--15,999,999	--29,500
--307,000,000--	--16,499,999	--29,750
--317,500,000--	--16,999,999	--30,000
--327,000,000--	--17,499,999	--30,250
--337,500,000--	--17,999,999	--30,500
--347,000,000--	--18,499,999	--30,750
--357,500,000--	--18,999,999	--31,000
--367,000,000--	--19,499,999	--31,250
--377,500,000--	--19,999,999	--31,500
--387,000,000--	--20,499,999	--31,750
--397,500,000--	--20,999,999	--32,000
--407,000,000--	--21,499,999	--32,250
--417,500,000--	--21,999,999	--32,500
--427,000,000--	--22,499,999	--32,750
--437,500,000--	--22,999,999	--33,000
--447,000,000--	--23,499,999	--33,250
--457,500,000--	--23,999,999	--33,500
--467,000,000--	--24,499,999	--33,750
--477,500,000--	--24,999,999	--34,000
--487,000,000--	--25,499,999	--34,250
--497,500,000--	--25,999,999	--34,500
--507,000,000--	--26,499,999	--34,750
--517,500,000--	--26,999,999	--35,000
--527,000,000--	--27,499,999	--35,250
--537,500,000--	--27,999,999	--35,500
--547,000,000--	--28,499,999	--35,750
--557,500,000--	--28,999,999	--36,000
--567,000,000--	--29,499,999	--36,250
--577,500,000--	--29,999,999	--36,500
--587,000,000--	--30,499,999	--36,750
--597,500,000--	--30,999,999	--37,000



ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

-2970007000--  
-3070007000--  
-3170007000--  
-3270007000--  
-3370007000--  
-3470007000--  
-3570007000--

-30700  
-30700  
-397400  
-407000  
-40700  
-417400  
-individually  
-determined

Fees-for-financings-of-less-than-\$500,000-or-more-than-\$35,000,000-are based-upon-the-cost--incurred--by-the-Authority-in-processing-prior financings-of-a-similar-type-and-size-and-the-Authority's-charges--in such-prior-financings---in-order-to-effectuate-the-Authority's-purpose as-a-public-body--established--to--assist--health-facilities--other considerations-will-be-evaluated-in-establishing-the-fees--for--the financings-of-less-than-\$500,000-

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994 )

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

Section 1400.TABLE B Authority Application Fee (For short-term financing etc.) (Repealed)

AUTHORITY-FEE

ISSUE-SIZE

0---\$--5497999 \$-57000  
\$--5507000---\$--9997999 \$-57500---\$-97500  
\$170007000---\$174997999 \$107000---\$137200  
\$175007000---\$179997999 \$147000---\$177200  
\$270007000---\$274997999 \$107000---\$17200  
\$275007000---\$270007000 \$227000---\$247000

For-an-issue-size-of-\$500,000-to-\$17000,000-the-fee-would-be-\$500--per--\$507000 financed--and-for-an-issue-of-\$17000,000-to-\$2,500,000-the-fee-would-be-\$107000 plus-\$000-per-\$100,000---Equipment-financings-that--exceed--an--issue--size--of \$37000,000--will-have-an-Authority-fee-assessed-in-accordance-with-the-Authority-Fee---Application-Fee-Schedule."

in-the-event-that-the-financing-is-for-a-line-of-credit-with-multiple-drawdowns the-institution's-fee-would-be-calculated-on-the-drawdown-amount-plus-5%--of--the fee--on--the--line--of--credit---However,--the--cumulative--fees--collected--on--the drawdowns--could--not--exceed--the-fee-calculated-on-the-total-line-of-credit-

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994 )

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography

- 2) Code Citation: 32 Ill. Adm. Code 405

- 3) Section Number:
- |         |             |                 |
|---------|-------------|-----------------|
| 405.10  | New Section | Adopted Action: |
| 405.20  | New Section |                 |
| 405.30  | New Section |                 |
| 405.40  | New Section |                 |
| 405.50  | New Section |                 |
| 405.60  | New Section |                 |
| 405.70  | New Section |                 |
| 405.80  | New Section |                 |
| 405.90  | New Section |                 |
| 405.100 | New Section |                 |
| 405.110 | New Section |                 |
| 405.120 | New Section |                 |
| 405.130 | New Section |                 |
| 405.140 | New Section |                 |
| 405.150 | New Section |                 |
| 405.160 | New Section |                 |

## 405.APPENDIX A

- 4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210-7a) [420 ILCS 40/7a].

- 5) Effective Date of Rules: **JUN 23 1994**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 23, 1994

- 9) Notice of Proposal Published in the Illinois Register:

March 11, 1994 (18 Ill. Reg. 3326)

- 10) Has JCAR issued a Statement of Objections to these Rules? No

- 11) Differences between proposal and final version:

- a) In the Authority Note, on line 1, by deleting the parenthesis around the letter "a" after the number "7".

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

- b) In Section 405.10(b), by adding a second sentence to this subsection.

- c) In Section 405.20:

in the definition of "Cabinet x-ray system", on line 10, by changing the word "which" to the word "that" after the word "equipment";

by adding an AGENCY NOTE after the definition of "Certified Industrial Radiographer Trainee";

In the definition of "Industrial Radiography", on line 6, by adding the following phrase ", nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors" after the word "systems";

by placing the definition of "Personal supervision" in the correct alphabetical order. This definition to appear after the definition of "Lixiscopes";

In the definition of "Provisionally Certified Industrial Radiographer", on line 3, by changing "January 1, 1993" to "September 1, 1994".

- d) In Section 405.50(b), on line 4, by changing the word "of" to the word "after".

- e) In Section 405.70, by adding a new second sentence to this subsection.

- f) In Section 405.90(b)(3), by adding an AGENCY NOTE after this subsection.

- g) In Section 405.140:

in subsection (a)(7), on line 4, by deleting the word "to" after the word "or";

in subsection (b), on line 9, by deleting the comma after the word "safety" and by deleting the word "see" within the parenthesis;

in subsection (e), on line 2, by inserting the phrase "with the Department" after the word "filing" and on line 3, by deleting the phrase "with the Department" after the word "reinstatement".



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- h) In Section 405.150(b)(4), on line 1, by deleting the comma and inserting a parenthesis after the word "parties"; and on line 2, by deleting the comma and inserting a parenthesis after the word "co-workers".

i) In Section 350.Appendix A:

in the Section header, by changing the word "Material" to the word "Materials"; by changing the first level subsection letters from upper-case to lower-case; and by changing the third level subsection letters from lower-case to upper-case.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

- 13) Will these rules replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules: This Rule will implement Section 7a of the Radiation Protection Act of 1990, by establishing a program for the certification and renewal of certification of persons who use sources of ionizing radiation (e.g., radioactive materials or radiation machines) to perform industrial radiography for the purpose of macroscopic non-destructive examination of material and fabrication processes. The rule establishes: (1) minimum standards for training and experience for persons who perform industrial radiography; (2) application and examination requirements for certification and renewal of certification; (3) standards for recognition of certification issued by another State or jurisdiction; (4) provisions for suspension or revocation of certification; and (5) civil penalties. The certification requirements would not apply to persons who perform radiographic procedures using Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

- 16) Information and questions regarding these rules shall be directed to:

Valerie Puccini  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9881 (voice)  
(217) 782-6133 (TDD)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

The full text of the Adopted Rules begins on the next page.

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 405  
CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

## Section

405.10 Purpose and Scope

405.20 Definitions

405.30 Application for Certification

405.40 Categories of Certification

405.50 Examination Requirements

405.60 Examinations

405.70 Approved Training Program

405.80 Experience Requirements for Certification

405.90 Requirements for Issuance of Certification

405.100 Duration of Certification

405.110 Fees

405.120 Reciprocity

405.130 Requirements for Renewal of Certification

405.140 Suspension and Revocation of Certification

405.150 Civil Penalties

APPENDIX A Minimum Training Requirements for Industrial Radiography  
Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210-7a) [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. \_\_\_\_\_, effective  
JUN 23 1994.

## Section 405.10 Purpose and Scope

- a) This Part establishes a program to certify persons to perform industrial radiography. Specifically, this Part provides:
- 1) Minimum standards for training and experience for persons who perform industrial radiography;
  - 2) Application and examination requirements for certification and recertification;
  - 3) Standards for the recognition of certification by other parties;
  - 4) Provisions for the suspension or revocation of certification; and
  - 5) Civil penalties.
- b) This Part applies to any person who performs industrial radiography in this State. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is

## DEPARTMENT OF NUCLEAR SAFETY

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collimated to detectors.

## Section 405.20 Definitions

As used in this Part, the following definitions shall apply:

"Act" means the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210-1 et seq.) [420 ILCS 40].

"Approved Training Program" means a program that the Department has determined is adequate to prepare individuals to meet the training requirements prescribed in Section 405. Appendix A.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, bus terminals and similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certification" means the authorization by the Illinois Department of Nuclear Safety of an individual to perform industrial radiography in Illinois.

"Certified Industrial Radiographer" means an individual who has met prescribed training and experience requirements and has passed an approved examination and is authorized by the Department, pursuant to Section 405.90(a), to perform industrial radiography.

"Certified Industrial Radiographer Trainee" means an individual who is authorized by the Department, pursuant to Section 405.90(b), to be instructed in industrial radiography and who may perform industrial radiography while under the personal supervision of a Certified Industrial Radiographer or an approved Provisionally Certified Industrial Radiographer.

AGENCY NOTE: Instruction in industrial radiography for trainees certified by the Department includes on-the-job and field experience.

"Department" means the Illinois Department of Nuclear Safety.

"Director" means the Director of the Illinois Department of Nuclear Safety.

"Industrial Radiography" means the process used to perform the examination of the macroscopic structure of materials by



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non-destructive methods using radioactive materials or radiation machines. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

"Industrial Radiography - Radiation Machines" means the process of performing industrial radiography using radiation producing machines.

"Industrial Radiography - Radioactive Materials" means the process of performing industrial radiography using radioactive materials.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Personal supervision" means supervision provided by a Certified Industrial Radiographer or an approved Provisionally Certified Industrial Radiographer who is physically present at the immediate site where sources of radiation and associated equipment are being used, visually evaluating the performance of the Certified Industrial Radiographer Trainee and in such proximity that immediate assistance can be given if required.

"Provisionally Certified Industrial Radiographer" means an individual who was employed as an industrial radiographer prior to September 1, 1994, and who is authorized by the Department, pursuant to Section 405.90(c), to perform industrial radiography.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

## Section 405.30 Application for Certification

- a) Any individual applying to the Department for certification to perform industrial radiography shall:
  - 1) Submit a complete and legible application on a form prescribed by the Department;
  - 2) Pay the appropriate non-refundable application fee in accordance with Section 405.110;
  - 3) Meet the examination requirements set forth in Section 405.50 or satisfy the requirements for certification based on reciprocity as set forth in Section 405.120; and
  - 4) Provide evidence that the requirements for the given category and class for which certification is sought have been met.
- b) Any individual who seeks Provisional Certification as an industrial

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radiographer shall submit an application to the Department no later than September 1, 1994.

- c) The appropriate fee shall accompany the application when filing with the Department. An application shall be deemed filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service.

## Section 405.40 Categories of Certification

a) The Department shall certify individuals to perform industrial radiography in one or more of the following categories:

- 1) Certified Industrial Radiographer;
- 2) Provisionally Certified Industrial Radiographer; or
- 3) Certified Industrial Radiographer Trainee.

b) Each certification issued shall include a class endorsement for the type of industrial radiography authorized. Such class endorsements are limited to:

- 1) Radioactive Materials;
- 2) Radiation Machines; or
- 3) Radioactive Materials and Radiation Machines.

## Section 405.50 Examination Requirements

a) An individual who seeks certification as a Certified Industrial Radiographer must have passed, prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.60. An individual seeking certification as a Certified Industrial Radiographer after September 1, 1995, must pass, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.80. In the event that this examination is not passed, the individual seeking certification as a Certified Industrial Radiographer may apply, during this 12 month period, for re-examination in accordance with subsection (d) below.

b) An individual who holds certification as a Certified Industrial Radiographer Trainee shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 within 12 months after certification. In the event that this examination is not passed, the Certified Industrial Radiographer Trainee may apply for re-examination in accordance with subsection (d) below.

c) An individual who is a Provisionally Certified Industrial Radiographer shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 on or before September 1, 1995. In the event that this examination is not passed, the Provisionally Certified Industrial Radiographer may apply for re-examination in accordance with subsection (d) below.

AGENCY NOTE: In the event the provisionally certified industrial radiographer does not comply with application or testing requirements

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of subsection (c) above, certification as Provisionally Certified Industrial Radiographer shall expire on September 1, 1995.

d) Application for examination or re-examination shall be on forms prescribed by the Department and shall include the appropriate fee specified by Section 405.110. Examination fees shall be non-refundable.

e) Examinees shall present photographic identification (e.g., drivers license) at the time of examination.

**Section 405.60 Examinations**

a) The Department shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) at such times and places as the Department determines necessary.

1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.

2) The scaled passing score shall be 70 percent.

3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50.

b) The Department shall accept alternative examinations provided that such examinations are found acceptable by the U.S. Nuclear Regulatory Commission.

**Section 405.70 Approved Training Program**

Industrial radiographer training programs shall be approved by the Department. The Department shall recognize other programs approved by another state or jurisdiction provided that such programs consist of standards and procedures that are the same or comparable to the standards and procedures established by the Radiation Protection Act of 1990 and this Part. The Department shall base its approval on information provided by the training program that shall include:

- a) Curriculum information sufficient to assure inclusion of subjects referenced in Section 405.Appendix A;
- b) Copies of test questions and answers and other evaluation tools and criteria used to demonstrate a participant's comprehension of subject matter in Section 405.Appendix A; and
- c) Resumes of instructors.

**Section 405.80 Experience Requirements for Certification**

Applicants for certification to perform industrial radiography shall have a minimum of experience appropriate to each category and class of industrial radiography as follows:

- a) Certified Industrial Radiographer
    - 1) Radioactive Materials ..... 200 hrs
    - 2) Radiation Machines ..... 120 hrs
    - 3) Both Radioactive Materials and Radiation ..... 320 hrs
- Machines of which not less than 200 hours shall be with

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radioactive materials and not less than 120 hours shall be with radiation machines.

b) Provisionally Certified Industrial Radiographer

1) Employment as an industrial radiographer prior to September 1, 1994; and

2) Compliance with the requirements of 32 Ill. Adm. Code 350.2010(a).

c) Certified Industrial Radiographer Trainee. No prior experience required.

**Section 405.90 Requirements for Issuance of Certification**

The Department shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

a) Certified Industrial Radiographer

1) Submitted an application for certification on a form prescribed by the Department;

2) Submitted the application fee specified in Section 405.110(a);

3) Passed an examination as required by Section 405.50(a) or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120; and

4) Completed the required hours of experience in industrial radiography as specified in Section 405.80 or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120.

b) Certified Industrial Radiographer Trainee

1) Submitted an application for certification on a form prescribed by the Department;

2) Submitted the application fee specified in Section 405.110(a); and

3) Submitted documentation of successful completion of an approved training program as specified in Section 405.70 or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120.

AGENCY NOTE: Training includes didactic study incorporating those topics included in Section 405.Appendix A. Training does not include on-the-job experience.

c) Provisionally Certified Industrial Radiographer

1) No later than September 1, 1994, submitted an application for certification on a form prescribed by the Department;

2) Submitted the application fee specified in Section 405.110(a); and

3) Submitted documentation that prior to September 1, 1994, the individual was employed as an industrial radiographer and has complied with the requirements of 32 Ill. Adm. Code 350.2010(a).  
AGENCY NOTE: Examples of acceptable documentation are a written statement from an employer that the applicant is or has been employed as an industrial radiographer or a copy of a radioactive materials license, issued by the Department or by the regulatory



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agency having jurisdiction in another state, identifying the applicant as an authorized user of industrial radiography sources.

**Section 405.100 Duration of Certification**

- a) The duration of certification issued by the Department shall be:
  - 1) Certified Industrial Radiographer ..... 5 years
  - 2) Certified Industrial Radiographer Trainee ..... 2 years
  - 3) Provisionally Certified Industrial Radiographer Certification as a Provisionally Certified Industrial Radiographer, issued pursuant to Section 405.90(c) shall expire on September 1, 1996, provided that the application and testing requirements of Section 405.50(c) have been met. In the event the provisionally certified industrial radiographer does not comply with application or testing requirements of Section 405.50(c), certification as a Provisionally Certified Industrial Radiographer shall expire on September 1, 1995.
- b) Certification for Provisionally Certified Industrial Radiographer and Certified Industrial Radiographer Trainee are nonrenewable.

**Section 405.110 Fees**

- a) The application fees for examination or certification shall be non-refundable and shall be as follows:
  - 1) Each application for examination by the Department.....\$75.00
  - 2) Each application for certification:
    - A) Certified Industrial Radiographer.....\$50.00
    - B) Certified Industrial Radiographer Trainee.....\$50.00
    - C) Provisionally Certified Industrial Radiographer.....\$50.00
- b) The appropriate fees shall accompany the application when filing with the Department.

**Section 405.120 Reciprocity**

- a) The Department shall issue certification to an applicant who has been certified in another state or jurisdiction provided that:
  - 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction;
  - 2) The standards and procedures for certification in the state or comparable to the certification standards established by the Radiation Protection Act of 1990 and this Part;
  - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction to the Department; and
  - 4) The applicant submits the application fee in accordance with Section 405.110(a).
- b) Individuals who are certified by reciprocity shall either:
  - 1) Maintain the certification upon which the reciprocal

## DEPARTMENT OF NUCLEAR SAFETY

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- certification was issued; or
- 2) Satisfy the requirements of Section 405.90 prior to the expiration of the certification upon which reciprocal certification was issued.

**Section 405.130 Requirements for Renewal of Certification**

- a) Prerequisites
  - 1) An individual shall submit an application for re-examination and renewal of certification at least six months prior to the expiration date of certification. The Department shall waive this requirement if the applicant satisfies the requirements of Section 405.30(a). An individual may not legally perform industrial radiography without valid certification.
  - 2) Each applicant shall submit a complete and legible application with the fee for re-examination and renewal of certification in accordance with Section 405.30(a).
- b) Re-examination. Applicants for renewal of certification shall meet the requirements of Section 405.90(a) including re-examination as described in subsection (a) above.
- c) Certification as a Provisionally Certified Industrial Radiographer is nonrenewable.
- d) Certification as a Certified Industrial Radiography Trainee is nonrenewable.

**Section 405.140 Suspension and Revocation of Certification**

- a) The Department shall act to suspend or revoke an individual's certification for any one or a combination of the following causes:
  - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
  - 2) Knowingly falsifying records of employees when such falsification would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
  - 3) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such statute or regulations pertaining to certification;
  - 4) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
  - 5) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;

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- 6) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
- 7) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
- 8) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;
- 9) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth herein; and
- 10) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued.
- b) If, based upon any of the above grounds, the Department determines that action to suspend or revoke certification is warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's certification unless the Department finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety (Section 38 of the Act), in which case the Department shall suspend an individual's certification pending a hearing.
- c) If the Department finds that removal of certification is warranted, the usual action shall be a suspension of certification for up to one year. The term of suspension may be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her during a hearing, that the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety or deficiencies that cannot be cured within one year, the Department shall revoke the individual's certification.
- d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Department until the termination of the suspension period or until reissuance of the certification.
- e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the Department a petition for reinstatement which complies with the requirements of 32 Ill. Adm. Code 200.40. Such petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

## Section 405.150 Civil Penalties

- a) The Department shall assess civil penalties, in accordance with subsection (c) below, against any individual who performs industrial radiography without valid certification.  
AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.
- b) Prior to assessing civil penalties, the Department shall confirm the violation of the certification requirements by:
  - 1) Observation of the violation by a Department inspector;
  - 2) Obtaining records, documents or other physical evidence;
  - 3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or
  - 4) Obtaining statements from third parties (e.g., Nondepartment Inspectors or co-workers) that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:
  - 1) First violation by an uncertified individual - \$250.
  - 2) Second violation by an uncertified individual - \$500.
  - 3) Third and subsequent violation by an uncertified individual - \$1,000 for each violation.
- d) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day the violation continues shall constitute a separate offense.



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED RULES

**Section 405. APPENDIX A Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines**

- a) Fundamentals of Radiation Safety
  - 1) Characteristics of radiation
  - 2) Units of radiation dose and quantity of radioactivity
  - 3) Significance of radiation dose
    - A) Radiation protection standards
    - B) Biological effects of radiation
  - 4) Levels of radiation from sources of radiation
  - 5) Methods of controlling radiation dose
    - A) Working time
    - B) Working distances
    - C) Shielding
- b) Radiation Detection Instrumentation to be Used
  - 1) Use of radiation survey instruments
    - A) Operation
    - B) Calibration
    - C) Limitations
  - 2) Survey techniques
  - 3) Use of personnel monitoring equipment
    - A) Film badges
    - B) Thermoluminescent dosimeters
    - C) Pocket dosimeters
- c) The Requirements of Pertinent Federal and State Regulations
- d) Written Operating and Emergency Procedures
- e) Case Histories of Radiation Accidents
- f) Radiography Equipment to be Used
  - 1) For Industrial Radiography Using Radioactive Material
    - A) Remote handling equipment
    - B) Radiographic exposure devices and sealed sources
    - C) Storage containers
    - D) Operation and control of radiography equipment
    - E) Demonstration of competency to safely perform radiographic procedures using a simulated source of radioactive material
  - 2) For Industrial Radiography Using Radiation Machines
    - A) Remote exposure equipment
    - B) Radiation machine exposure equipment
    - C) Operation and control of radiography equipment
    - D) Demonstration of competency to safely perform radiographic procedures using a simulated source of radiation

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers: Adopted Action:

1150.10	New Section
1150.20	Amendment
1150.85	New Section
1150.Appendix A	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 1308, 1311 and 1313 [225 ILCS 305/8, 11 and 13].
- 5) Effective Date of Amendments: JUN 27 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 28, 1994
- 9) Date Notice of Proposal Published in Illinois Register: July 23, 1993, at 17 Ill. Reg. 11337
- 10) Has ICAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version:

In Section 1150.85, all of subsection (a), pertaining to Life Safety, was withdrawn from this rulemaking.

In 1150.10(b)(4), the sentence starting with "All training records..." was changed to: "When an applicant maintains his/her own training records, the applicant accepts full responsibility for a continuous accurate record of verified experience and will only have the training records evaluated after completion of the training and submission of an application for examination to the Department."

In 1150.20, subsections (c)(1)(B) and (C) were combined to read: "Experience in architecture as an employee in the office of a licensed architect or as an employee of an organization (other than offices of licensed architects) when the experience is

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

under the direct supervision of a licensed architect." The 100% and 2-Years credit allowances were removed from the old (c)(1)(C).

In 1150.20, new subsection (c)(1)(C) was changed to read: "Experience directly related to architecture under the direct supervision of a licensed engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction), registered landscape architect, certified planner or registered interior designer."

In 1150.20, new subsection (c)(1)(D) was changed to read: "Experience other than A) or B) experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings."

In 1150.20, proposed subsections (c)(2) (F) and (G), pertaining to program requirements, are deleted.

In 1150.85, new subsection (a)(1) is changed to read: "The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of architectural and construction services provided by an independent architect licensed to practice architecture in Illinois and a construction firm to provide construction services."

In 1150.85, new subsection (a)(2) is changed to read: "The design/build entity will not be required to register as a professional design firm pursuant to Section 21 of the Act, only if the services in the design/build project delivery process are provided by the entity in accordance with the following:"

In 1150.85, (a)(2)(B) is changed to read: "At the time of offering services, a written disclosure identifying the architect is given to the client by the entity that, upon awarding of the contract, the architect will be engaged by and be contractually responsible to the entity offering design/build project services."

In 1150.85(a)(2)(C), "the consent of the client" is replaced by "the immediate replacement by another architect mutually agreed to by the client and the entity."

In Appendix A, subsection (c)(3), "professional" is replaced by "NAAB accredited".

Numerous style and filing changes also were made.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will these Rules replace Emergency Rules currently in effect? No

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Section 8 of the Illinois Architecture Practice Act of 1989 directs the Department of Professional Regulation to prescribe rules for education and diversified professional training of individuals seeking licensure in Illinois as architects. This rulemaking expands and makes more specific the existing rules pertaining to education and diversified professional training requirements. It also provides for the phasing in of these requirements, with variations depending upon when the individuals began their education and training.

This rulemaking also defines the design/build project delivery process in a new section pertaining to acts constituting the practice of architecture pursuant to Section 5 of the Act.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1150

## ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

## Section

1150.10 Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990

1150.20 Category II - ~~Approved~~ Education Requirements and Diversified Professional Training/~~Experience~~ Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990

1150.30 Application for Licensure by Examination

1150.40 Examination

1150.50 Approved Architecture Programs

1150.60 Licensure by Endorsement

1150.65 Inactive Status

1150.70 Restoration

1150.80 Corporations and Partnerships

1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

1150.90 Standards of Professional Conduct

1150.100 Renewals

1150.110 Granting Variances

1150.Illustration A Architect Seal Requirements

1150.Appendix A Categories of Diversified Professional Training

**AUTHORITY:** Implementing the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, pars. 1301 through 1340) [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

**SOURCE:** Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 111. Reg. 11019; emergency amendment at 6 111. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 111. Reg. 7448, effective June 15, 1982; amended at 7 111. Reg. 7658, effective June 15, 1983; amended at 9 111. Reg. 5691, effective April 16, 1985; amended at 11 111. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988,

## DEPARTMENT OF PROFESSIONAL REGULATION

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at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994.

Section 1150.10 Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990

The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1301 through 1340) [225 ILCS 305] (the Act) is set forth in this Section and Section 1150.20. Applicants initiating their education after January 1, 1990, shall meet the requirements set forth in this Section. Individuals who initiated their training prior to the effective date of this Section may have the training evaluated pursuant to this Section or Section 1150.20.

a) Education Requirements

- 1) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB):

A) Bachelor of Architecture degree; or

B) Master of Architecture degree.

- 2) Applicants with a degree from a program not accredited by the NAAB:

A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB; or

B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Circular of Information No. 3, as certified by NCARB.

b) Diversified Professional Training Requirements

- 1) An applicant must complete either the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006, or the training

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requirements set forth in this Section. The applicant may satisfy the requirements in effect at the time the training commenced.

- 2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of value units based on the education requirements set forth in subsection (3) below. One value unit equals eight hours of acceptable activity. Acceptable activities are set forth in Appendix K of the NCARB IDP Guidelines. (A copy of these guidelines is available from the Department or NCARB.) Applicants may earn value units for training acquired through one of three ways:

- A) Participation: experience is acquired when the applicant actually performs a particular task; or
- B) Observation: experience is acquired when the applicant works under the direction and control of a licensed architect who is performing the task; or
- C) Supplemental education training approved by the Board in accordance with IDP Guidelines.

- 3) Value units shall be earned in prescribed categories and under requirements set forth in Appendix A of this Part. The required number of value units will vary according to the following educational requirements:

- A) Applicants who meet the educational requirements set forth in subsection (a)(1) and (a)(2)(B) shall complete 700 value units pursuant to Section 1150. Appendix A, Column (1).

- B) Applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 value units pursuant to Section 1150. Appendix A, Column (2).

- 4) All applicants may utilize NCARB to collect, evaluate and certify all training data and records required for compliance with this Part, or applicants may choose to maintain their own training records on forms provided by the Department. When an applicant maintains his/her own training records, the applicant accepts full responsibility for a continuous accurate record of verified experience and will only have the training records evaluated after

## DEPARTMENT OF PROFESSIONAL REGULATION

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completion of the training and submission of an application for examination to the Department.

- 5) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Architect Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or information needing further clarification, the applicant will be requested to provide such information as necessary.

Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994 \_\_\_\_\_)

Section 1150.20 Category II - ~~Approved~~ Education Requirements and Diversified Professional Training/~~Experience~~ Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990

- a) The education and diversified professional training/experience ("training") ~~necessary for examination~~ required for licensure for individuals whose education was initiated prior to January 1, 1990, as required by the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 114, par. 1201 et seq.), pursuant to Section 13 of "The Act", shall be ~~acquired in the following manner:~~ evaluated under the requirements of this Section.

- a) Education Requirements (and related training experience required):

- 1) A 6 year professional degree in architecture from a program accredited by the ~~National Architectural Accrediting Board (NAAB)~~ plus 2 years of approved training;
- 2) A 5 year professional degree in architecture from a program accredited by the NAAB plus 3 years of approved training;
- 3) A pre-professional 4 year baccalaureate degree in architecture from a program acceptable for direct entry into a professional master of architecture degree plus 5 years of approved training;
- 4) Until January 1, 1996, a degree in architecture from a program not accredited by the NAAB but approved pursuant to the provisions of Section 1150.50; :
  - A) Master's degree plus 4 years of approved training;



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- B) 5 year bachelor's degree plus 4.5 years of approved training;
- C) 4 year bachelor's degree plus 5 years of approved training;
- D) A 4 year degree in an architecture-related field or from a program which does not meet the requirements of Section 1150.50 plus 6 years of approved training. For the purposes of this Section the Department, upon recommendation of the ~~Illinois Architecture Licensing Board (the "Board")~~, has determined an architecture-related field as:

landscape architecture, interior design, building technology, construction management, urban ~~design~~ and regional planning, and historic preservation; ~~or~~ and architectural, civil, mechanical, structural, general or electrical engineering; or

- E) A 4 year or more nonarchitectural degree from an approved college plus 7 years of approved training.

- b) Diversified Professional Training commenced prior to January 1, 1994, shall meet the following requirements:

- 1) All training shall be acquired:
  - A) After completion of ~~two~~ 2 years of an architecture or architectural related program; and
  - B) Under the direct supervision and control (as defined in Section 14 of the Act) of an architect licensed in a jurisdiction of the United States of America or its territories.
- 2) Approved training consists of successful performance of work relating to professional services, described in Section 5 of the Act.
- 3) A candidate shall have training in the office of a licensed architect which may include branches of Federal, State, County or Municipal governments and branches of the United States Armed Forces.

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- 4) Any training claimed by an applicant shall be validated by the supervising architect(s) on forms supplied by the Department.
- 5) Full-time employment with ~~one~~ 1 employer of less than ~~one~~ 1 month duration shall not be counted toward the training requirements of this Section.
- 6) Part-time employment for periods in excess of ~~two~~ 2 consecutive months shall be counted as one half week for each 20 hours of employment.
- 7) Full-time teaching experience of 2 academic years in an approved architecture program will be counted as 1 year of training. A maximum of 1 year of training shall be given for teaching experience. Any teaching experience claimed must be validated by the chief administrative officer of the school offering the architectural program.
- 8) An applicant cannot earn more than 40 hours per week of approved training (i.e., overtime does not qualify for additional approved training). One year is considered to be a period of 52 weeks with a minimum of 35 hours per week.

- 9) ~~In lieu of the above training, the Department shall accept the Intern Development Program of the American Institute of Architects National Council of Architectural Registration Boards (NCARB).~~

- c) Diversified Professional Training Commenced after December 31, 1993, shall meet the following requirements:

- 1) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have training credits in accordance with the level of education scheduled under subsections (a)(1) through (a)(4) of this Section or have satisfied the IDP training requirements in accordance with Appendix A of this Part. An applicant who has satisfied these training standards is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in Appendix A and IDP Guidelines. (An applicant with the required number of training credits may nonetheless be denied approval of training if that training is not diversified.) The following table sets forth the ways in which training credits may be acquired:

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DESCRIPTION OF TRAINING AND CREDITS	PERCENT CREDIT ALLOWED	MAXIMUM CREDIT ALLOWED
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A) Training that does not fit these descriptions will receive no credit.

B) Experience in architecture as an employee in the office of a licensed architect or as an employee of an organization (other than offices of licensed architects) when the experience is under the direct supervision of a licensed architect.

100%

No Limit

C) Experience directly related to architecture under the direct supervision of a licensed engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction), registered landscape architect, certified planner or registered interior designer.

50%

1 Year

D) Experience other than A) or B) experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings.

50%

1 Year

E) A post-professional degree in architecture or teaching or research in an NAAB-accredited architectural program.

100%

1 Year

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2) Program Requirements

A) No training credits may be earned prior to satisfactory completion of:

i) Three years in an NAAB-accredited professional degree program; or

ii) The third year of a 4 year pre-professional degree program in architecture accepted for direct entry to an NAAB-accredited professional master's degree program; or

iii) One year in an NAAB-accredited professional master's degree program; or

iv) 96 semester credit hours as evaluated by Education Evaluation Services for Architects (EESA) in accordance with NCARB Circular of Information No. 3 of which no more than 60 hours can be in the general education category; or

v) Five education credits in the circumstances described in subsections (a)(3) and (a)(4) of this Section in accordance with Circular of Information No. 3.

Note: 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.

B) No experience used to meet education requirements may be used to earn training credits.

C) To earn credits under subsection (c), an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks under subsection (c)(1)(B) or 6 consecutive months under subsections (c)(1)(C), (D) or (E). An applicant may earn one-half of the credits specified under subsection (c)(1)(B) for work of at least 20 hours per week in periods of 6 or more consecutive months. No credits will be given for part-time work in any category other than subsection (c)(1)(B).

D) To earn credit under subsection (b)(1)(E), an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture; 20 semester credit hours or 30 quarter credit hours of teaching or equivalent time in research will equal one year.



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E) A person practices as a "principal" by being:

- i) A licensed architect; and
- ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.

F) A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he/she practices.G) No credit will be given for training in a foreign jurisdiction unless the training was under the direct supervision and control of an architect licensed in a U.S. jurisdiction or training approved by the Department upon recommendation of the Board.3) The verification of training shall be submitted to the Department at the time of application for examination as an architect.4) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Board because of discrepancies or conflicts in information, a need for additional information or information needing further clarification, the applicant will be requested to provide such information as necessary.d) In lieu of the above training, the Department will accept successful completion of the Intern Development Program of NCARB.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994)

Section 1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

a) Design/Build

- 1) The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of architectural and construction services with the architectural services provided by an independent architect licensed to practice architecture in Illinois and a construction firm to provide construction services.

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- 2) The design/build entity will not be required to register as a professional design firm pursuant to Section 21 of the Act only if the services in the design/build project delivery process are provided by the entity in accordance with the following:

A) An architect licensed or a professional design firm registered in Illinois independently contracts with the entity and participates substantially in all material aspects of the offering and providing of architecture services relating to any bid process, contract negotiations, design, consultation, development, preparation and coordination of construction documents, and verification of adherence to construction documents and completion.B) At the time of offering services, a written disclosure identifying the architect is given to the client by the entity that, upon awarding of the contract, the architect will be engaged by and be contractually responsible to the entity offering design/build project services.C) The entity agrees that the architect will have direct supervision of the architectural work and the architect's services will not be terminated on the project without the immediate replacement by another architect mutually agreed to by the client and the entity.b) Architectural Competitions

- 1) Participants in architectural competitions in Illinois shall comply with the Act. All services, such as preliminary design and design development, are to be prepared by or under the direct supervision and control of an Illinois licensed architect.

- 2) If an architectural competition is conducted in an academic setting or the project is fictitious and will not be constructed, a person/professional design firm is not required to be licensed in Illinois.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994)

Section 1150. Appendix A Categories of Diversified Professional Training

- a) Categories of diversified professional training and corresponding minimum value unit requirements in each category are as follows (For Total Value Units required for various educational levels, see Section 1150.10(b)(3)(A) and (B):

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CATEGORY A: DESIGN AND CONSTRUCTION DOCUMENTS

	<u>Column:</u>	<u>(1)</u>	<u>(2)</u>
1) <u>Programming</u>		10	20
2) <u>Site and Environmental Analysis</u>		10	20
3) <u>Schematic Design</u>		15	30
4) <u>Building Cost Analysis</u>		10	20
5) <u>Code Research</u>		15	30
6) <u>Design Development</u>		40	80
7) <u>Construction Documents</u>		145	290
8) <u>Specifications and Materials Research</u>		15	30
9) <u>Document Checking and Coordination</u>		15	30
	<u>MINIMUM VALUE UNIT TOTALS:</u>	<u>350</u>	<u>700</u>

CATEGORY B: CONSTRUCTION ADMINISTRATION

10) <u>Bidding and Contract Negotiation</u>	10	20
11) <u>Construction Phase-Office</u>	15	30
12) <u>Construction Phase-Observation</u>	15	30
	<u>MINIMUM VALUE UNIT TOTALS:</u>	<u>140</u>

CATEGORY C: OFFICE MANAGEMENT

13) <u>Project Management</u>	15	30
14) <u>Office Management</u>	10	20
	<u>MINIMUM VALUE UNIT TOTALS:</u>	<u>70</u>

CATEGORY D: RELATED ACTIVITIES

15) <u>Professional and Community Service</u>	10	20
	<u>MINIMUM VALUE UNIT TOTALS:</u>	<u>20</u>

Related activities include diversified professional training in energy conservation, computer applications, regional and urban planning, interior design, landscape architecture, construction management, environmental and structural engineering, applied and theoretical research, teaching, historical restoration and professional delineation.

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b) The listing above of required minimums in Categories A, B, C and D totals 465 Value Units (VU's) [Column (1)] and 930 VU's [Column (2)] allowing for the additional VU's to be acquired in any of the listed categories. All of the additional VU's may be acquired in one category or distributed among the categories.

c) Explanation of Requirements

1) VU's in categories A, B, C and D may be acquired only if the applicant meets the time requirements of Section 1150.20(c)(2)(C). VU's may be acquired in Category D if the activity is substantial and continuous.

Full VU credit is earned for acceptable full-time and part-time employment in the settings described in Section 1150.20(c)(1)(B), (C) and (D).

2) No VU's may be acquired prior to meeting the requirements of Section 1150.20(c)(2)(A).

3) Applicants with a post-professional degree in architecture or a NAAB accredited Master of Architecture degree qualify for 235 VU's under Category D.

4) An IDP applicant may earn VU's by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum VU requirements in training areas 1-15. No VU's may be earned for supplementary education prior to receiving his or her highest educational degree. (See Section 1150.10(a)).

5) The VU's which may be earned under (c)(3) and (4) above may not exceed 235 VU's.

6) To satisfy Categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in Section 1150.20(c)(1)(B).

7) A minimum of 235 VU's must be acquired in the setting described in Section 1150.20(c)(1)(B) after having received his or her highest educational degree. (See Section 1150.10(a)).

8) In evaluating training, the Board may, prior to certification, require substantiation of the quality and character of the training, notwithstanding the



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fact that the IDP applicant has complied with the technical training requirements set forth above.

- 2) For a detailed description of the IDP training categories and supplementary education requirements, see IDP Guidelines.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994 )

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## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act

- 2) Code Citation: 68 Ill. Adm. Code 1283

- 3) Section Numbers: Adopted Action:

1283.10	New Section
1283.20	New Section
1283.30	New Section
1283.40	New Section
1283.50	New Section
1283.60	New Section
1283.70	New Section
1283.80	New Section
1283.90	New Section
1283.100	New Section
1283.120	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 8351-20 [225 ILCS 55/20].

- 5) Effective Date of Rules: JUN 28 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Rules contain incorporations by reference? Yes. Section 1283.100(s) incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, 28336 Franklin Road, Southfield, Michigan 48034, with no later amendments or editions. Section 1283.100(t) incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 1100 17th Street NW, 19th Floor, Washington, D.C. 20036-4501, 1991, with no later amendments or editions.

- 8) Date Filed in Agency's Principal Office: June 28, 1994

- 9) Date Notice of Proposal Published in Illinois Register: April 8, 1994, at 18 Ill. Reg. 5477.

- 10) Has ICAR issued a Statement of Objections to these Rules? No

- 11) Difference(s) between proposal and final version:

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For clarification purposes, "since graduation from a master's program" was inserted after "work history" in Sections 1283.10(a)(4), 1283.50(a)(4) and 1283.60(a)(6).

In Section 1283.20(a)(10), "Psychological and education testing and evaluation;" was changed to "Testing and evaluation;".

In the Section pertaining to professional conduct, the following was deleted: "A therapist must never accept, offer, or give any type of compensation to referring parties or their agents for referrals, as this may impair the therapist's judgment."

In Section 1283.100(t), the address for the American Association for Marriage and Family Therapy was corrected from "100 17th Street NW" to "1100 17th Street NW".

Other nonsubstantive changes were made involving style and form.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

13) Will these Amendments replace Emergency Amendments currently in effect? No.

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Rules: Public Act 87-783, effective January 1, 1992, provided for the licensure of marriage and family therapists by the Department of Professional Regulation. The General Assembly provided funding for FY 1994 to implement the Act. When adopted, these rules will allow the Department to begin processing licensure applications.

16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1283

## MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	
1283.10	Application for a Temporary License Under Section 50 of the Act
1283.20	Experience and Clinical Supervision
1283.30	Education
1283.40	Examination
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.100	Professional Conduct
1283.120	Granting Variances

**AUTHORITY:** Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 18 Ill. Reg. \_\_\_\_\_ effective JUN 28 1994.

Section 1283.10 Application for a Temporary License Under Section 50 of the Act

- a) Any person seeking a temporary license without examination under Section 50 of the Marriage and Family Therapy Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:

1) Verification, on forms provided by the Department, that the applicant holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy



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from a regionally accredited educational institution;

- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (e.g., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) of this Part; or
  - C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.
- 2) Verification, signed by an employer or supervisor on forms provided by the Department, that following receipt of the first qualifying degree, the applicant obtained at least 2 years of work experience as defined in Section 1283.20 of this Part. If self-employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work, attesting to the applicant's work performance.
  - 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.20 of this Part.
  - 4) A complete work history since graduation from a master's program.
  - 5) The required fee set forth in Section 55 of the Act.
  - 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
    - B) A description of the examination in that jurisdiction; and
    - C) Whether the file on the applicant contains any record of

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disciplinary actions taken or pending.

- b) In lieu of subsections (a)(1), (2) and (3), the Department shall accept certification of active clinical membership from the American Association for Marriage and Family Therapy.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Marriage and Family Therapy Licensing and Disciplinary Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) All persons receiving a temporary license shall pass the examination set forth in Section 1283.40 by December 31, 1995, in order to obtain a license as a licensed marriage and family therapist.
- e) All temporary licenses shall expire December 31, 1995.
- f) Upon approval of the temporary license, the applicant shall be eligible to sit for the examination. The applicant shall submit a completed application form provided by the Department along with the examination fee to the designated testing service. Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the fee set forth in Section 55(a) of the Act, the Department shall issue the permanent marriage and family therapist license.

## Section 1283.20 Experience and Clinical Supervision

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 2 years of work experience in the practice of marriage and family therapy, including at least 1,000 hours of face-to-face client contact with couples and families, including individuals, for the purpose of

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evaluation and treatment, and at least 200 hours of clinical supervision of marriage and family therapy.

- a) Experience in the practice of marriage and family therapy may be gained by providing treatment that includes, but is not limited to:

- 1) Marriage and family therapy;
- 2) Counseling;
- 3) Psychotherapy, including behavioral family therapy;
- 4) Behavior modification;
- 5) Hypnotherapy;
- 6) Sex therapy;
- 7) Consultation;
- 8) Client advocacy;
- 9) Crisis intervention;
- 10) Testing and evaluation;
- 11) Group therapy;
- 12) Multi-family therapy; and
- 13) Informing and educating clients.

- b) Marriage and family therapy treatment shall include, but not be limited to, providing direct individual, group or family therapy counseling in the following categories:

- 1) Married couples;
- 2) Unmarried couples;
- 3) Separating and/or divorcing couples;
- 4) Family groups, including children; and
- 5) Multi family groups.

- c) The use of specific methods, techniques or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques or modalities.

- d) One year of work experience is defined as a minimum of 1400 hours of professional work experience providing marriage and family services.

- 1) No more than one year of credit shall be given in a 12 month period.

- 2) Experience shall be obtained in not less than 2 years and no more than 5 years.

e) Clinical Supervision

- 1) The 200 hours of clinical supervision required in Sections 1283.10(a)(3) and 1283.50(a)(3) may be completed while fulfilling the 2-year work experience requirement of Sections 1283.10(a)(2) and 1283.50(a)(2).

- 2) Prior to and including December 31, 1995, the clinical supervision, at the time the supervision took place, shall have been received from an individual(s) who:

- A) Had been practicing marriage and family therapy for at least 10 years and had training in supervision; or

- B) Had:

- i) Completed the education requirements defined under Section 1283.30 or equivalent;

- ii) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a), (b) and (d);

- iii) Provided over 3000 therapy hours of face-to-face client contact;

- iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; or

- C) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy.

- 3) After December 31, 1995, the clinical supervision, at the time the supervision took place, shall have been received from an individual(s) who:



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## A) Had:

- i) Held an active license as a marriage and family therapist;
- ii) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a), (b) and (d);
- iii) Provided over 3000 therapy hours of face-to-face client contact;
- iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; and
- v) Completed a 2-semester-hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant; or

B) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy.

- 4) After December 31, 1999, the clinical supervision shall, at the time the supervision took place, have been received from an individual(s) who:

## A) Had:

- i) Held an active license as a marriage and family therapist for at least 5 years;
- ii) Provided over 3000 therapy hours of face-to-face client contact;
- iii) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; and

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- iv) Completed a 2-semester-hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant; or

B) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy.

- 5) Supervision means the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicant's interaction with a client. The purpose of supervision shall be to promote the development of the individual's clinical skills.

6) Supervision is face-to-face conversation with a supervisor, usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisee's continuing clinical practice, which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings, and live supervision. It is a process clearly distinguishable from personal psychotherapy and is contracted in order to serve professional goals.

A) Individual supervision shall mean a maximum of 2 supervisees meeting with one supervisor.

B) Group supervision shall mean a maximum of 6 supervisees meeting with one supervisor.

- 7) The following is not acceptable marriage and family therapy supervision: peer supervision (supervision by a person of equivalent but not superior qualifications, status and experience); supervision by current or former family members or any other person with whom the nature of the personal relationship prevents, or makes difficult, the establishment of a professional supervisory relationship; administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management, not the quality of therapy given to a client); a primarily didactic process wherein

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techniques or procedures are taught in a group setting, classroom, workshop or seminar; staff development, orientation to a field or program or role-playing of family relationships as a substitute for current clinical practice in an appropriate clinical situation.

- f) A doctoral internship may be applied toward the 200-hour clinical supervision requirement of Sections 1283.10(a)(3) and 1283.50(a)(3).

## Section 1283.30 Education

- a) An applicant for a license as a marriage and family therapist shall hold one of the following:

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or
- 3) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

- b) The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and syllabi are required for courses whose titles do not reflect systemic theoretical orientation and content as described below:

- 1) Marital and Family Studies (3 courses: 9 semester or 12 quarter hours)--Family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family;

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family subsystems; individual, interpersonal relationships (marriage, parenting, sibling).

- 2) Marital and Family Therapy (3 courses: 9 semester or 12 quarter hours)--Family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational.
  - 3) Human Development (3 courses: 9 semester or 12 quarter hours)--Human development; personality theory; human sexuality; psychopathology; behavior-pathology.
  - 4) Professional Studies (1 course: 3 semester or 4 quarter hours)--Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law.
  - 5) Research (1 course: 3 semester or 4 quarter hours)--Research design; methods, statistics; research in marital and family studies and therapy.
  - 6) Clinical Practicum/Internship (300 hours)--15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples and families for the purpose of assessment, diagnosis and treatment.
- c) In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.
- d) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (b) above shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.



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e) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists;
- 2) The specific course submitted as equivalent to those defined in Section 1283.30(b)(2) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
- 3) Courses must be offered by an established, identifiable facility or agency.
- 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
- 6) Correspondence courses are not acceptable.
- f) Credit for courses taken pursuant to subsection (e) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (e).
- g) An applicant whose master's or doctorate degree was received on or prior to December 31, 1985, and whose application is postmarked no later than December 31, 1995, may establish equivalency for the education

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requirement of subsection (b) in the following manner:

- 1) Conferences/Workshops/Seminars Attended or Presented: 45 contact hours of relevant content equal one 3-semester credit or one 4-quarter credit course. A list of the equivalencies the applicant wishes to be considered should be organized by coursework area (marriage and family studies, marriage and family therapy, human development, professional studies and research). Include date, title, course description or brochure, presenter, number of hours attended/presented and certificate of attendance.
- 2) Publications: For books published, submit a copy of the title page, table of contents and bibliography. A chapter in a book is equivalent to one 3-semester or 4-quarter credit course. Applicants who author or edit a book are given credit equivalent to 6 semester credits or 8 quarter credits (2 courses). For journal articles published in a professional refereed journal, submit the journal table of contents and a copy of the article as it appeared in the journal, including bibliography. A journal article is equivalent to a 3-semester credit or 4-quarter credit course.
- h) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).
- i) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.20(e).

## Section 1283.40 Examination

- a) The examination for licensed marriage and family therapists shall be the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Examination in Marital and Family Therapy.
- b) The passing score on the examination shall be the passing score of the testing entity.

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## Section 1283.50 Application for Examination/Licensure

a) An applicant for examination shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

1) Verification, on forms provided by the Department, that the applicant holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b); or
- C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

2) Verification, on forms provided by the Department, signed by an employer or supervisor that following the receipt of the first qualifying degree, the applicant obtained at least 2 years of work experience as defined in Section 1283.20 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.

3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.20 of this Part.

4) A complete work history since graduation from a master's program.

5) The required fee set forth in Section 55 of the Act.

6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently

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licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) above and have his/her examination scores submitted to the Department directly from the testing entity.

c) In lieu of subsections (a)(1), (2) and (3) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

## Section 1283.60 Endorsement

a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Department, on forms provided by the Department, which includes:



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- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;
  - 2) Certification of at least 2 years of professional work experience as set forth in Section 1283.20 of this Part;
  - 3) Verification of 200 hours of clinical supervision as defined in Section 1283.20;
  - 4) Certification of successful completion of the examination set forth in Section 1283.40;
  - 5) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
    - A) The time during which the applicant was licensed/registered;
    - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
    - C) Examination(s) taken and examination score(s) received;
  - 6) A complete work history since graduation from a master's program; and
  - 7) The required fee as set forth in Section 55(l) of the Act.
- b) In lieu of subsections (a)(1), (2) and (3), the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
  - c) The Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.
  - d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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## Section 1283.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February of odd-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete continuing education required by Section 45 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

## Section 1283.80 Inactive Status

- a) Licensed marriage and family therapists who notify the Department, on forms provided by the Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Department in writing of the intention to resume active practice.
- b) Any licensed marriage and family therapist seeking restoration from inactive status shall do so in accordance with Section 1283.90 of this Part.
- c) Any marriage and family therapist whose license is on inactive status shall not use the title "licensed marriage and family therapist" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

## Section 1283.90 Restoration

- a) Any marriage and family therapist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 55 of the Act and providing proof of meeting continuing education requirements during the 2 years prior to

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## restoration.

- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 55 of the Act and proof of meeting continuing education requirements during the 2 years prior to restoration. The applicant shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
  - 2) An affidavit attesting to military service as provided in Section 45(c) of the Act; or
  - 3) Proof of passage of the AMFTRB examination during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- (d) Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

## Section 1283.100 Professional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or

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unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

- a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.
- b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.
- c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.
- d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.
- e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the



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Department. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action.

- f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.
- h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.
- i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.
- j) A therapist has the responsibility to be informed of other professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.
- k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.
- l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.
- m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed

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consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

- n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.
- o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.
- p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:
  - 1) Limitations mandated by the law.
  - 2) The prevention of clear and immediate danger to one or more persons.
  - 3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.
  - 4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.
  - 5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.
- q) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- r) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- s) The Department hereby incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, Department of Sociology, D-130 Brackett Hall, Clemson, South Carolina 29634-1513, with no later amendments or editions.
- t) The Department hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 1100 17th Street NW, 19th Floor, Washington, D.C. 20036-4601, 1991, with no later amendments and editions.

## Section 1283.120 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases when he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Illinois Marriage and Family Therapy Licensing and Disciplinary Board of the granting of a variance, and the reasons therefor, at the next meeting of the Board.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
  - Adopted Action:
  - 112.70, 112.71, 112.72 Amendment
  - 112.74, 112.76, 112.77 Amendment
  - 112.78, 112.79, 112.80 Amendment
  - 112.81, 112.82, 112.83 Amendment
  - 112.84, 112.85, 112.98 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 27, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 27, 1994
- 9) Notice of Proposal Published in Illinois Register:  
February 25, 1994 (18 Ill. Reg. 2753)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.82	Amendment	May 13, 1994 (18 Ill. Reg. 7208)
112.110	Amendment	March 25, 1994 (18 Ill. Reg. 4546)
112.151	Amendment	March 25, 1994 (18 Ill. Reg. 4546)

- 15) Summary and Purpose of Amendments: The changes provided by these amendments include the:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- . Change of references from "Project Chance" to "JOBS" and correction of typographical errors.
- . Addition of language that the Department may contract for program services and specifically mentions Opportunities.
- . Addition of the provision of child care services for non-JOBS individuals.
- . Deletion of references to the priority order in which volunteers are served, the order in which mandated clients are called in, the target group of AFDC applicants who received AFDC in 36 of the last 60 months and the use of the Bachelor Degree program application form since these references are no longer required.
- . Addition of permitting conciliation by telephone when both parties agree.
- . Addition of a participation requirement that curriculum changes in education/training must be made with the prior approval for Project Chance.
- . Addition that a Community Work Experience work assignment is for six months in a 12 consecutive month period.
- . Deletion of the sanction reason that failure to report to a job readiness skills training session may result in sanctioning.
- . Addition of a Post Secondary Education approval criterion to require that the individual be underemployed or unemployed and in need of additional education.
- . Clarification that educational programs must be the least costly in supportive services.
- . Clarification that the 75% participation rate in component activities applies to not only attendance but all scheduled activities such as employer contact activities and work assignments.
- . Addition that an Unemployed Parents Work Experience assignment can be 40 hours each week for two weeks on followed by two weeks off.
- . Addition in the Community Work Experience and Unemployed Parents Work Experience components that sponsors are not to use clients to displace positions or persons who are already employed.
- . Addition that a regular employee at the Work Experience site can appeal to the U.S. Department of Labor.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
 Address: Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 100 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62762  
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

## Section

112.1 Description of the Assistance Program  
112.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING  
(JOBS) PROGRAM PROJECT-CHANCE

## Section

112.70 Participation Requirements for For JOBS Project-Chance  
112.71 Individuals Exempt from For JOBS Project-Chance  
112.72 JOBS Project-Chance Participation/Cooperation Requirements  
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
112.74 JOBS Project-Chance Initial Assessment Process/Development of an Employability Plan  
112.76 JOBS Project-Chance Orientation  
112.77 Conciliation and Fair Hearings  
112.78 JOBS Project-Chance Components  
112.79 JOBS Project-Chance Sanctions  
112.80 Good Cause for Failure to Comply with With JOBS Project-Chance Participation Requirements

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Responsible Relative Eligibility for For JOBS Project-Chance  
JOBS Project-Chance Supportive Services  
Young Parents Program  
Work Experience Evaluation Project  
Four Year College/Vocational Training Demonstration Project

## SUBPART E: PROJECT ADVANCE

## Section

112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

## Section

112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100 Unearned Income  
112.101 Unearned Income of Stepparent or Parent  
112.105 Budgeting Unearned Income  
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.107 Initial Receipt of Unearned Income  
112.108 Termination of Unearned Income  
112.110 Exempt Unearned Income  
112.115 Education Benefits  
112.120 Incentive Allowances  
112.125 Unearned Income In-Kind  
112.126 Earmarked Income  
112.127 Lump Sum Payments  
112.128 Protected Income  
112.130 Earned Income  
112.131 Earned Income Tax Credit  
112.132 Budgeting Earned Income  
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.134 Initial Employment  
112.135 Budgeting Earned Income For Contractual Employees



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

112.135 Budgeting Earned Income For Contractual Employees  
 112.136 Budgeting Earned Income For Non-Contractual School Employees  
 112.137 Termination of Employment  
 112.138 Transitional Payments (Repealed)  
 112.140 Exempt Earned Income  
 112.141 Earned Income Exemption  
 112.142 Exclusion From Earned Income Exemption  
 112.143 Recognized Employment Expenses  
 112.144 Income From Work/Study/Training Program  
 112.145 Earned Income From Self-Employment  
 112.146 Earned Income From Roomer and Boarder  
 112.147 Income From Rental Property  
 112.148 Payments from the Illinois Department of Children and Family Services  
 112.149 Earned Income In-Kind  
 112.150 Assets  
 112.151 Exempt Assets  
 112.152 Asset Disregards  
 112.153 Deferral of Consideration of Assets  
 112.154 Property Transfers (Repealed)  
 112.155 AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

## Section

112.250 Grant Levels  
 112.251 Payment Levels in AFDC  
 112.252 Payment Levels in AFDC Group I Counties  
 112.253 Payment Levels in AFDC Group II Counties  
 112.254 Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

## Section

112.300 Persons Who May Be Included in the Assistance Unit  
 112.301 Presumptive Eligibility  
 112.302 Monthly Reporting  
 112.303 Retrospective Budgeting  
 112.304 Budgeting Schedule  
 112.305 Strikers  
 112.306 Foster Care Program  
 112.307 Responsibility of Sponsors of Aliens  
 112.308 Special Needs Authorizations  
 112.309 Institutional Status  
 112.315 Young Parent Program (Renumbered)  
 112.320 Redetermination of Eligibility  
 112.330 Extension of Medical Assistance Due to Increased Income from Employment

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)  
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

Section  
 112.350 Child Care  
 112.352 Child Care Eligibility  
 112.354 Qualified Provider  
 112.356 Notification of Available Services  
 112.358 Participant Rights and Responsibilities  
 112.362 Additional Service to Secure or Maintain Child Care Arrangements  
 112.364 Rates of Payment for Child Care  
 112.366 Method of Providing Child Care  
 112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
 112.400 Transitional Child Care Eligibility  
 112.404 Duration of Eligibility for Transitional Child Care  
 112.406 Loss of Eligibility for Transitional Child Care  
 112.408 Qualified Child Care Providers  
 112.410 Notification of Available Services  
 112.412 Participant Rights and Responsibilities  
 112.414 Child Care Overpayments and Recoveries  
 112.416 Fees for Service for Transitional Child Care  
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. IV and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126,



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

effective January 12, 1988; SUBPARTS C, D and E reclassified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. —, effective June 27, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING  
(JOBS) PROGRAM PROJECT-CHANCE

Section 112.70 Participation Requirements for For JOBS Project-Chance

Sections 112.70 through 112.83 describe the Job Opportunities and Basic Skills Training (JOBS) Program Project-Chance employment, education, and training participation requirements for AFDC clients. The purpose of JOBS Project-Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS Project-Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individuals education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in JOBS Project-Chance based upon budget analysis of component costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by Federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to JOBS and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

- a) Both exempt and non-exempt individuals receiving AFDC may participate in JOBS Project-Chance when state State resources permit. All non-exempt individuals receiving AFDC are required to participate in JOBS Project-Chance only to the extent there are resources available to serve individuals other than volunteers. Participation in component activities may be mandated for non-exempt individuals. One parent in the AFDC-U case must participate in the Unemployed Parent Work Experience component unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in the Unemployed Parent Work Experience component unless he/she is also exempt. Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under sixteen-(16) who are not

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.70(a) (continued)

parents cannot participate in JOBS Project-Chance unless they are participating in the Youth Employment and Training Initiative.

- b) JOBS Project-Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment without good cause may be sanctioned.

c) 2) The priority that volunteers will be served is: If State resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same criteria, except the criterion that requires individuals to participate an average of 20 hours each week, that is used for JOBS individuals described in Section 112.78 (See Section 112.370). Non-JOBS individuals will request child care using the Department of Children and Family Services request for child care services and registration.

A) non-exempt-volunteers-from-the-target-groups

B) exempt-volunteers-from-the-target-groups

C) non-exempt-volunteers-other-than-the-target-groups

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.70(c) (continued)

- D) exempt-volunteers-other-than-the-target-groups-and

E) non-volunteers

e) d) JOBS Project-Chance participation may be mandated to the extent resources allow and to the extent needed to meet Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals. If it is determined that Project-Chance participation must be mandated, this shall be done in the following order:

- 1) recipients of Aid to Families with Dependent Children--Unemployed-(AFDC-U)-who are in the target groups specified in subsection-(d)-below;
- 2) recipients of AFDC-U not in the target groups;
- 3) recipients of regular Aid to Families with Dependent Children (AFDC)-whose youngest child is at least age-16;
- 4) recipients of AFDC on assistance at least three-(3)-of-the-last five-(5)-years-and
- 5) recipients of AFDC under the age of twenty-four-(24)-who have not completed high school.

e) e) JOBS Project-Chance resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty-(60) months;
- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty-(60) months immediately preceding the most recent month for which application has been made;
- 3) custodial parents under age twenty-four-(24) who have not completed high school or have little or no work experience within the preceding year; or
- 4) 2) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

e) f) A custodial parent under age twenty-(20) who has not completed a high school education (or its equivalent) is not exempt from participation



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## Section 112.70(f) (continued)

in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.

§g) A custodial parent age sixteen-(16) or seventeen-(17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

gh) A custodial parent who is age eighteen-(18) or nineteen-(19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

hi) Individuals age twenty-(20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

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## Section 112.70(j) (continued)

ij) A parent or other relative personally caring for a child under age six (6) will not be required to participate in JOBS Project-Chance for more than twenty-(20) hours per week except as specified in subsection (e) (f) above.

jk) Children in AFDC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.71 Individuals Exempt from JOBS Project-Chance

a) An individual shall be exempt from JOBS Project-Chance participation when that individual:

- 1) Is age sixteen-(16) through eighteen-(18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative. If the individual loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the individual returns to school;
- 2) Temporary and Chronic Illness or Injuries
  - A) Temporary Illness and Injuries
    - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS Project-Chance. A sound basis for exemption from JOBS Project-Chance on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;
    - ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

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## Section 112.71(a)(2) (continued)

B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS Prejeet-Chanee. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

3) Is under age ~~sixteen-(16)~~, or is age ~~sixty-(60)~~ years or older unless the child is required to participate in the Youth Employment and Training Initiative;

4) Resides in an area remote from the JOBS Prejeet-Chanee office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;

5) Has another household member for whom that individual must provide full-time care;

6) Is the parent or other caretaker relative of a child under age three (3) in the home (other than a minor parent under age twenty-(20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason.

7) Employment

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## Section 112.71(a)(7) (continued)

A) Is employed 30 hours or more per week;

B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days.

8) Is in the 4th month of pregnancy or later; or

9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

b) Individuals who request an exemption from participation in JOBS Prejeet-Chanee shall do so in writing with the assistance of the JOBS Prejeet-Chanee worker or other Department staff, if needed, and shall receive a written notice of decision on such request within ~~forty-five-(45)~~ days. Requests for an exemption may be made at:

- 1) application for assistance;
- 2) orientation;
- 3) assessment;
- 4) reassessment;
- 5) AFPC eligibility redeterminations;
- 6) client's request; or
- 7) whenever information received by the Department indicates the possibility of an exemption.

c) Exempt individuals may volunteer for JOBS Prejeet-Chanee.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

Section 112.72 JOBS Prejeet-Chanee Participation/Cooperation Requirements

a) An individual is required to participate in JOBS Prejeet-Chanee by:

- 1) Cooperating with JOBS Prejeet-Chanee. Cooperation with JOBS Prejeet-Chanee is defined as providing requested information about employment history and capabilities, appearing for



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## Section 112.72(a)(1) (continued)

scheduled meetings, participating in assessment and literacy tests, and complying with the requirements of JOBS Project-Chancee component activities identified in Sections 112.78 and 112.79<sup>+</sup>.

- 2) Responding to a job referral of suitable employment (i.e., a written statement referring a participant to an employer for a specific position)<sup>+</sup>.
- 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:
  - A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and
  - B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
  - C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

## 4) Suitable employment must meet the following criteria:

- A) Wages offered must be at least the greater of:
  - i) the Federal minimum wage; or
  - ii) the State minimum wage.
- B) Subminimum training wages offered must be at least the greater of:
  - i) the Federal subminimum training wage; or
  - ii) the State subminimum training wage.
- C) If the wages are offered on a piece-rate basis wages for a

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## Section 112.72(a)(4)(C) (continued)

beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).

- D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
  - E) There is no unreasonable degree of risk to the participant's health and safety.
  - F) The participant is physically and mentally competent to perform the work.
  - G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.
  - H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 thru 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.
  - I) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a JOBS Project-Chancee component activity.
- Additionally, participants who are part-time employed as defined in Section 112.64(d)(1), must:
- 1) continue their part-time employment as defined in Section 112.64(d)(1); and

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## Section 112.72(b) (continued)

- 2) not reduce their employment (i.e., voluntarily reducing work hours).
- c) Failure of a non-exempt individual to participate/cooperate with the JOBS Prejeet-Chanee requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.
- d) Failing to achieve certain grades or competency levels or goals in educational, training, or work activity shall not constitute failure to participate in JOBS Prejeet-Chanee, but shall be addressed through a reassessment, requested by the participant or JOBS Prejeet-Chanee.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

Section 112.74 JOBS Prejeet-Chanee Initial Assessment Process/Development of an Employability Plan

a) Initial Assessment to Develop an Employability Plan

- 1) All individuals shall undergo an initial assessment to develop an employability plan.
- 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS Prejeet-Chanee staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and JOBS Prejeet-Chanee staff shall work together to identify any supportive service needs required to enable them to participate in JOBS Prejeet-Chanee and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency.

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## Section 112.74(a) (continued)

- 3) The employability plan must:
  - A) contain an employment goal of the participant;
  - B) describe the services to be provided by the agency, including child care and other supportive services;
  - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
  - D) describe any other needs of the family that might be met by JOBS Prejeet-Chanee such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
  - A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;
  - D) local employment opportunities;
  - E) to the maximum extent possible, the preferences of the participant;
  - F) the employability plan shall not be considered a contract;
  - G) final approval of the plan rests with the JOBS Prejeet-Chanee program; and
  - H) the participant shall be offered a copy of the employability plan.
- b) Occurrence of the Initial Assessment
  - 1) The initial assessment shall take place before a participant is assigned to any JOBS Prejeet-Chanee component. All participants will be scheduled to begin the initial assessment within fourteen-(14) working days after orientation.
  - 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:



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- A) the date and time of the interview;
- B) a description of the purpose of the interview;
- C) the consequences of failing to attend;
- D) the right to re-schedule for good cause;
- E) the right to request child care and transportation to attend; and
- F) the name of the person to contact for such purposes.

c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and JOBS Prejeet-Chanee staff shall work together to identify any supportive service needs required to enable them to participate in JOBS Prejeet-Chanee and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of twenty-(20) hours each week to enable the State of Illinois to obtain maximum Federal match monies unless special circumstances prevent twenty-(20) hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety, and family responsibilities. Components may be combined to increase the hours of participation to twenty-(20) hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

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- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
  - A) individuals with limited English proficiency;
  - B) individuals under age twenty-(20) who do not have a high school diploma; and
  - C) individuals age twenty-(20) and over who do not read at or above a 9.9 grade level.
- 3) Individual(s) ready to participate, but lacking the necessary education or training for employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.
- 4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:
  - A) A job ready individual must have:
    - i) transportation (ability to get to the work site);
    - ii) clothes (suitable and appropriate for the type of work);
    - iii) child care;
    - iv) tools (if required and not supplied by the employer);
    - v) certificates, licenses, and/or degree (if required);
    - vi) a medical release (where needed, such as workers recently on disability);
    - vii) mental and emotional capability of employability;

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- viii) freedom from any dependency on drugs or alcohol; and
- ix) motivation to find and hold a job.
- B) Plus one or more of the following:
  - i) marketable skills through work history (i.e., current or within the past twenty-four (24) months and a work history in the area of interest or area to which the referral is requested);
  - ii) marketable skills through education and/or training (i.e., current or within the past twenty-four (24) months, in the area of occupation being sought, and is able to meet the entry level requirements of the occupation);
  - iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
  - iv) new entrants into the job market and persons meeting entry level requirement of specific job.

## d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:
  - A) upon completion of a component activity and before assignment to a component activity;
  - B) upon the request of the participant;
  - C) if the individual is not cooperating with the requirements of the program;
  - D) if the individual has failed to make satisfactory progress in an education or training program;
  - E) upon completion of an academic term;
  - F) upon referral from DES or other entities; and

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## Section 112.74(d)(1) (continued)

- G) every twelve (12) consecutive months for individuals participating in an Unemployed Parent Work Experience component work assignment.
- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
- 3) The employability plan must:
  - A) contain an employment goal of the participant;
  - B) describe the services to be provided by the agency, including child care and other supportive service;
  - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
  - D) describe any other needs of the family that might be met by JOBS Project-Chancee such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
  - A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;
  - D) local employment opportunities;
  - E) to the maximum extent possible, the preferences of the participant.
- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.
- e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without



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good cause, the individual is subject to sanction rules.

- f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.
- g) JOBS Prejeet-Chanee participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

Section 112.76 JOBS Prejeet-Chanee Orientation

- a) At the time of application and at the time of the first face to face redetermination (after April 1, 1990), all AFDC applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the JOBS Prejeet-Chanee program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:
  - 1) education, employment and training opportunities available;
  - 2) supportive services including child care;
  - 3) the obligation of the agency to provide supportive services;
  - 4) the rights and responsibilities of participants; and
  - 5) the types and locations of child care services.
- b) Within one month of the determination of eligibility for AFDC, the JOBS Prejeet-Chanee program will notify the individual in writing via an invitation a letter regarding how he or she can enter the program or at other appropriate times. The client may then volunteer for the JOBS Prejeet-Chanee program but will in no event be sanctioned for failure to volunteer.
- c) Exempt and non-exempt volunteers will be sent an orientation appointment letter ~~inviting them to the orientation~~ concerning JOBS

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## Section 112.76(c) (continued)

Prejeet-Chanee. The letter shall include the following:

- 1) the date and time of the meeting;
  - 2) a description of the program and the purpose of the meeting;
  - 3) information on how to reschedule the meeting if necessary;
  - 4) the right to request child care or transportation services to attend; and
  - 5) the name of the person to contact for such purposes.
- d) Non-exempt individuals may be required to enter the JOBS Prejeet-Chanee program and attend the orientation. JOBS Prejeet-Chanee will send these non-exempt individuals an appointment letter requiring that they attend a JOBS Prejeet-Chanee Orientation meeting. The letter shall include the following information:
    - 1) the fact that they are non-exempt and are required to participate;
    - 2) the right to request an exemption;
    - 3) a complete description of all available exemptions;
    - 4) the date and time of the meeting;
    - 5) a description of the program and the purpose of the meeting;
    - 6) the consequences of failing to attend;
    - 7) the right to reschedule the appointment with good cause;
    - 8) the right to request child care or transportation services to attend; and
    - 9) the name of the person to contact for such purposes.
  - e) At the Orientation meeting JOBS Prejeet-Chanee staff inform the participant of JOBS Prejeet-Chanee participation requirements, distribute a copy of the JOBS Prejeet-Chanee handbook to participants, and explain its contents. The JOBS Prejeet-Chanee handbook contains program information including the following:
    - 1) an overview of JOBS Prejeet-Chanee;

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- 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption;
- 3) a description of all JOBS Prejeet-Chanee components, eligibility criteria, and specific participation requirements for each component;
- 4) general participation requirements; i.e., appearing for scheduled meetings with JOBS Prejeet-Chanee staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
- 5) the support services identified in Section 112.82;
- 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74);
- 7) the result of the participant's failure to cooperate without good cause with JOBS Prejeet-Chanee;
- f) Participants must attend all Orientation meetings or notify their JOBS Prejeet-Chanee worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).
  - 1) If a non-exempt participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting on two separate occasions without good cause (see Section 112.80), sanction rules shall apply. Exempt and non-exempt volunteers will not be sanctioned for failure to attend orientation.
  - 2) If the non-exempt participant who was required to participate due to insufficient number of volunteers fails to attend an Orientation meeting on two separate occasions but has good cause on at least one occasion (see Section 112.80), sanction rules shall not apply.
  - g) Expenses for transportation and child care services will be provided to enable participants to attend the Orientation meeting, if requested.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

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## Section 112.77 Conciliation and Fair Hearings

- a) The Department shall establish a conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, employability plans, assignment to components, suitability of employment, or refusals of offers of employment.
- b) A participant or JOBS Prejeet-Chanee may request conciliation and receive notice in writing of a meeting. Conciliation must begin within fourteen (14) work days upon request or from the participant's failure to meet JOBS Prejeet-Chanee requirements. At least one face-to-face meeting may be scheduled with JOBS Prejeet-Chanee and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, JOBS Prejeet-Chanee worker, a neutral person and a representative for the participant, if desired, if the participant and JOBS Prejeet-Chanee worker cannot resolve the issue. The meeting will address the underlying reason(s) for the dispute and plan a resolution to enable the individual to participate in JOBS Prejeet-Chanee. Conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting shall be scheduled to conciliate.
- c) The conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process and which will last no more than thirty (30) days.
- d) During the conciliation process, the following is completed:
  - 1) a discussion of the nature of the problem or dispute and potential resolution;
  - 2) an explanation of the individual's rights and responsibilities;
  - 3) a review of the employability plan;
  - 4) a discussion of expectations of the participant and JOBS Prejeet-Chanee; and
  - 5) development of a conciliation agreement and fulfillment of it following the conciliation meeting. The requirement(s) of the agreement cannot be contrary to JOBS Prejeet-Chanee participation requirements.

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## Section 112.77 (continued)

- e) JOBS Prejeet-Chanee will document in the case record the proceedings of the conciliation and provide the client in writing with a conciliation agreement.
- f) If conciliation resolves the dispute, no sanction will occur and any previous failure to participate in JOBS Prejeet-Chanee without good cause will not count as a sanctionable event in the future. If the dispute cannot be resolved during conciliation, a sanction will not occur until the conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.

(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective June 27, 1994)

Section 112.78 JOBS Prejeet-Chanee Components

## a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

## 1) Assignment to Education (Below Post Secondary)

- A) Individuals to be assigned to Education may include but are not limited to the following:
- i) custodial parents under age ~~twenty~~-(20) who do not have a high school degree or equivalent;
  - ii) individuals with limited English proficiency;
  - iii) individuals age ~~twenty~~-(20) and over who do not read at or above a 9.9 grade level; and
  - iv) individuals age ~~twenty~~-(20) and over who do not have a high school degree or its equivalent and wish to obtain one.

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- B) Parents ages ~~sixteen~~-(16) and ~~seventeen~~-(17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.
- C) Parents age ~~eighteen~~-(18) and ~~nineteen~~-(19) may be assigned to training or work activities instead of educational activities if:
- i) the parent fails to make good progress in successfully completing education activities, or
  - ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the JOBS Prejeet-Chanee program; or
  - iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.
- D) Educational activities may be combined with other component activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post Secondary)
- A) The individual's program must be accredited under state law.
  - B) The individual's program must be needed for the participant to complete his or her employability plan.
  - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
  - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in ~~transportation~~ supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements



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## Section 112.78(a)(3) (continued)

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain participation attendance of at least 75% of scheduled activities unless there is good cause for missing more.
- C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
- i) active participation and pursuit of educational objectives;
  - ii) teacher's written remarks;
  - iii) grades;
  - iv) demonstrated competencies;
  - v) classroom exercises; and
  - vi) periodic test/retest results.
- D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve-(12) months.
- E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve-(12) months.
- F) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- G) Curriculum changes must be made with the prior approval of

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## Section 112.78(a)(3)(G) (continued)

- JOBS and will be approved when the change is consistent with the employability plan.
- b) Job Skills Training (Vocational)
- Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.
- 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:
    - A) The participant is attending at least half-time as defined by the institution;
    - B) The participant is making satisfactory progress in such institution, school or course;
    - C) The course of study is consistent with the individual's employment goal; and
    - D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).
  - 2) Approval Criteria For Job Skills Training (Vocational)
    - A) The individual's program must be accredited under requirements of state law.
    - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
    - C) The individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.
    - D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

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## Section 112.78(b)(2) (continued)

- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Job skills training may be combined with other component activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- 3) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain attendance participation of at least 75% unless there is good cause for missing more.

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## Section 112.78(b)(3) (continued)

- C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- D) The individual must participate an average of twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- F) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.
- c) Job Readiness
- 1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
- 2) Assignment to Job Readiness
- Job readiness activities may be combined with other component activities if it is determined appropriate.
- 3) Participation requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most

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## Section 112.78(c)(3)(A) (continued)

appropriate based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to ten (10) acceptable employer contacts in a thirty-(30) day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").
- C) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- D) The individual must respond to a job referral, accept employment and respond to mail-in contact.
- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

## d) Job Search

## 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

## 2) Assignment to Job Search

- A) Participation in the Job Search component can not be in excess of eight-(8) weeks (or its equivalent) in any period of twelve-(12) consecutive months.
- B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.
- C) Job Search may be combined with other component activities if it is determined appropriate.

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## Section 112.78(d) (continued)

## 3) Participation Requirements

- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
- B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty-(20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
  - i) the participant appears for a scheduled interview and the employer misses the appointment;
  - ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
  - iii) the participant fails a civil service or other employment screening test;
  - iv) the participant completes an application which is not accepted by the employer;
  - v) the participant's job search performance indicates that he/she should be in a different JOBS Preference Change component activity; and
  - vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.
- C) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- D) Acceptable employer contacts may include but are not limited to:
  - i) a face-to-face contact with an employer or the employer's representative;



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## Section 112.78(d)(3)(D) (continued)

- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES.

E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

## e) Community Work Experience

Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

## 1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:

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## Section 112.78(e)(1)(A) (continued)

- i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
- ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).

## B) Entry into Community Work Experience

Participants are determined to be eligible for the Community Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

## C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

- A) Work assignment consists of no more than six months in a 12 consecutive calendar month period. ~~three-30-day-periods.~~  
(~~The date the participant is to appear at the week assignment begins the three-30-day-periods.~~) The hours of the work assignment for a calendar month 30-day-period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the

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## Section 112.78(e)(2)(A) (continued)

\$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to forty-(40) or eighty-(80) hours. The minimum number of hours that must be completed within a calendar month 30-day-period is forty-(40) hours, and the maximum number of hours that must be completed within a 30-day-period is eighty-(80) hours.

B) During work assignment, the participant shall be required to make up to ten (10) employer contacts per month if participating in a forty-(40) hour work assignment, or five (5) employer contacts per month if participating in an eighty-(80) hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty-(20) hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

## 3) Reassessment

At the end of the work assignment third-30-day-period, the participant's mandatory-registered employment will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the participant mandatory-registered in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant mandatory-registered shall be reassigned to the work assignment. Otherwise, the participant mandatory-registered

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## Section 112.78(e)(3) (continued)

will be assessed for assignment to another JOBS Prefect-Chase component.

## 4) Length of Assignment

An individual cannot be assigned to Community Work Experience for more than a total of six (6) months in any 12 consecutive calendar month period.

## 5) Displacement

A) The Work Experience Sponsor shall not use participants to:

i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or

ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or

iii) impair existing contracts for services or collective bargaining agreements; or

iv) infringe in any way upon promotional opportunities of any currently employed individual; or

v) fill any established unfilled position vacancy; or

vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

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## Section 112.78(e)(5)(B) (continued)

- i) the name and address of the participant or other employee at the work site i.e., the grievant;
  - ii) the participant's public aid case number;
  - iii) the participant's or other employee's (at the work site) social security number;
  - iv) Work Experience (work site); and
  - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
  - ii) the participant's or other employee's (at the work site) representative, if any;
  - iii) the Work Experience Sponsor;

iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within ~~fourteen~~(15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

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## Section 112.78(e)(5) (continued)

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of ~~JOBS Project-Chancee~~ participants in addition to the participant, then the Department shall terminate those ~~JOBS Project-Chancee~~ participants' assignment to that work assignment Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

A) Job ready individuals may be assigned to OJT.

B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.

D) Wages to participants in OJT are considered earned income.

E) OJT may be combined with other component activities if it is determined appropriate.



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## Section 112.78(f) (continued)

## 2) Participation Requirement

- A) ~~The participant must attend all scheduled days.~~
- B) The individual must participate an average of twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- B) ~~The individual must maintain participation of at least 75% unless there is good cause for missing more.~~

## 3) Supportive Services

Participants in OJT receive child care and medicaid benefits through the AFDC program, not ~~JOB~~ ~~Prejeet~~ ~~Change~~.

## g) Exchange Program (see Section 112.98)

## h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1991, ch. 111, par. 1701-1 et seq.) [225 ILCS 410], the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5801 et seq.) [225 ILCS 455], the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 101-1 et seq.) [110 ILCS 805], the University of Illinois Act (Ill. Rev. Stat. 1991, ch. 144, par. 21m et seq.) [110 ILCS 305], the Regency Universities Act (Ill. Rev. Stat. 1991, ch. 144, par. 301 et seq.) [110 ILCS 705] and Southern Illinois University Name Change Act (Ill. Rev. Stat. 1991, ch. 144, par. 599 et seq.) [110 ILCS 505].

- 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and

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## Section 112.78(h)(1) (continued)

- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) thru (n).

## 2) Approval Criteria For Post Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) The individual must apply for all available educational benefits such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in ~~transportation~~ supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

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## Section 112.78(h)(2) (continued)

- K) The individual must supply all information requested on the "Postsecondary-Baccalaureate-Degree-Program-Application" form if the Employability plan goal is a Bachelor of Science or Bachelor of Arts degree.
- L) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree consistent with the employability plan.
- M) In a two-parent family, only one parent can participate in the Postsecondary-Education component. The individual must be underemployed or unemployed and in need of additional education and the education will better prepare the participant to enter the labor force.

## 3) Participation Requirements

- A) The individual must maintain participation attendance of at least 75% unless there is good cause for missing more.
- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty-(20) hours of participation each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

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## Section 112.78(h)(3) (continued)

- E) Curriculum changes must be made with the approval of JOBS and will be approved when the change is consistent with the employability plan.
- i) Job Development and Placement (JDP)
- 1) JOBS Prejeet-Chanee staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
- 2) Assignment to JDP
- Job ready individuals may be assigned to JDP.

## j) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

## k) Unemployed Parents Parent Work Experience

- 1) One parent in the AFDC-U case must participate in Unemployed Parents Parent Work Experience unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parents Parent Work Experience unless he/she is also exempt.
- 2) Unemployed Parents Parent Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Not-For-Profit organizations and governmental agencies shall not use Unemployed Parents Parent Work Experience participants to displace regular employees (see subsection (k)(7) below).
- 3) The individual must participate in Unemployed Parents Parent Work Experience for as long as he/she remains eligible for financial assistance or until is determined exempt from JOBS Prejeet-Chanee. Work assignments are for twenty-(20) hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly.

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## Section 112.78(k)(3) (continued)

A reassessment must be conducted with the participant at least every ~~twelve~~(12) consecutive months.

## 4) Assignment to Work Experience

A) The Unemployed Parents Parent Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

- i) age 25 and over may participate in educational activities below the postsecondary level in addition to his/her Unemployed Parents Parent Work Experience work assignment; or
- ii) age 20 through 24 may choose to participate in educational activities below the postsecondary level in addition to or instead of the Unemployed Parents Parent Work Experience work assignment. The individual must participate an average of twenty(20) hours each week in the Education (below postsecondary) component if he/she chooses this component instead of the Unemployed Parents Parent Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below postsecondary) component, the individual will be assigned to an Unemployed Parents Parent Work Experience work assignment; or
- iii) under age 20 must participate an average of twenty(20) hours each week in educational activities below the postsecondary level unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below postsecondary) component (see Section 112.78 (a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Parent Work Experience work assignment.

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## Section 112.78(k)(4) (continued)

## B) Entry into Unemployed Parents Parent Work Experience

The Unemployed Parents Parent Work Experience participant must be one parent in the AFDC-U case unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parents Parent Work Experience unless he/she is also exempt.

## C) Unemployed Parents Parent Work Experience Positions

A participant shall be assigned to an Unemployed Parents Parent Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Parent Work Experience.

D) Unemployed Parents Parent Work Experience activities may be combined with other component activities if it is determined appropriate.

## 5) Participation Requirements

A) During the work assignment period, the client must make a good faith effort to complete five (5) employer contacts in each thirty(30) day period.

B) Failure to make the required number of employer contacts each thirty(30) day period without good cause may result in sanction. A client will not be sanctioned for failure to make if he/she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78 (d)(3)(B)).

C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below postsecondary), and/or completion of employer contact activities.

D) The client attending a work assignment must participate twenty(20) hours each week or 40 hours each week for two weeks followed by two weeks off.

## 6) Reassessment



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## Section 112.78(k)(6) (continued)

A reassessment must be conducted with the participant at least once every twelve (12) consecutive months.

## 7) Displacement

- A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
- i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
  - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
  - iii) impair existing contracts for services or collective bargaining agreements; or
  - iv) infringe in any way upon promotional opportunities of any currently employed individual; or
  - v) fill any established unfilled position vacancy; or
  - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- i) the name and address of the participant or other employee at the work site (i.e., the grievant);
- ii) the participant's public aid case number;

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## Section 112.78(k)(7)(B) (continued)

- iii) the participant's or other employee's (at the work site) social security number;
  - iv) Work Experience (work site); and
  - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Not more than ten (10) days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- i) the participant or other employee at the work site;
  - ii) the participant's or other employee's (at the work site) representative, if any;
  - iii) the Work Experience Sponsor;
  - iv) the Work Experience Sponsor's representative, if any; and
  - v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use

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Section 112.78(k)(7)(F) (continued)

of JOBS Prejeet-Chaase participants in addition to the participant, then the Department shall terminate those JOBS Prejeet-Chaase participants' assignment to that Work Experience Sponsor.

- G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## 1) Self-Employment

Self-Employment components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs, and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

## 1) Assignment to Self-Employment

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

## 2) Participation Requirements

Participants must attend at least 75% of classroom activities.

## 3) Self-Employment Asset and Income Exemptions

In order to qualify for a two year self-employment exemption of the business assets and income, the individual must:

- A) complete a self-employment program or demonstrate equivalent knowledge and experience; and

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- B) submit a business plan which includes the following items:
- i) verification that the business can be started for under \$5,000;
  - ii) verification that a loan, if needed, has been secured or that an application for a loan is pending;
  - iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
  - iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution, and the estimated operating expenses.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.79 JOBS Prejeet-Chaase Sanctions

- a) Sanctions may be imposed against those non-exempt participants who fail to participate without good cause in JOBS Prejeet-Chaase if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.). For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt

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## Section 112.79(b) (continued)

participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);
- 7) failure to report to a job-readiness-skills-training session (see Section 112.78);
- 8) failure to participate in the JOBS Prejeet-Chanee component activity;

9) failure to respond to a written notice for a meeting. For the purposes of determining attendance at JOBS Prejeet-Chanee meetings, if the participant arrives anytime within thirty-(30) minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The JOBS Prejeet-Chanee worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

10) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty-(30) days when employer contact activity is required in a component;

11) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in JOBS Prejeet-Chanee activities;

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## Section 112.79(b) (continued)

12) failure to maintain satisfactory participation of at least 75% in any program component;

13) failure to provide verification of education/training activities, employability status, etc.

c) No JOBS Prejeet-Chanee sanction will be imposed until JOBS Prejeet-Chanee staff has sent the non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the non-exempt participant had good cause for his/her failure to comply with JOBS Prejeet-Chanee requirements and the non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to JOBS Prejeet-Chanee participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A JOBS Prejeet-Chanee sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

e) When an AFDC-U case is sanctioned for non-compliance with JOBS Prejeet-Chanee, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.

f) The notice of change form issued for a JOBS Prejeet-Chanee sanction shall include the following:

- 1) a description of the acts of noncooperation with JOBS Prejeet-Chanee, including dates where applicable;
- 2) a statement that the non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request)



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## Section 112.79(f)(3) (continued)

for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance;

- 4) in addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in JOBS Prejeet-Chanee at a later time and discontinuance of supportive services.

- g) At least fourteen-(14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.

- h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JOBS Prejeet-Chanee sanction.

- i) During the sanction period, the non-exempt individual who fails to cooperate with JOBS Prejeet-Chanee is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the JOBS Prejeet-Chanee Program.

- j) Exempt volunteers in JOBS Prejeet-Chanee who fail to cooperate with JOBS Prejeet-Chanee will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

Section 112.80 Good Cause for Failure to Comply with JOBS Prejeet-Chanee Participation Requirements

- a) If a participant has good cause for not complying with a JOBS Prejeet-Chanee participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

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## Section 112.80(a) (continued)

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under JOBS Prejeet-Chanee, to the extent the lack of the needed service presents a significant barrier to JOBS Prejeet-Chanee participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by JOBS Prejeet-Chanee staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);
- 13) failure to cooperate due to symptoms of conditions for which the participant may need rehabilitation services;
- 14) failure of Department staff to correctly forward the information to JOBS Prejeet-Chanee staff;
- 15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by JOBS Prejeet-Chanee. When JOBS Prejeet-Chanee workers know in advance of such tests and

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mandatory classes or functions, they shall schedule JOBS Prejeet-Chanee activities around them if possible;

- 16) failure of the participant due to his/her illiteracy;
- 17) failure of the participant because it is determined that he/she should be in a different JOBS Prejeet-Chanee component;
- 18) non-receipt by the participant of a notice advising him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;
- 19) not accepting employment that would result in a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than cash assistance the individual was receiving at the time the offer of employment is made.

A) Gross income includes, but is not limited to:

- i) earnings;
- ii) unearned income; and
- iii) cash assistance.

B) Necessary and reasonable expenses include:

- i) all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings;
- ii) child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care; and

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## Section 112.80(a)(19)(B) (continued)

- iii) transportation costs to get to and from employment including travel for child care at the Department's established rates;

- 20) non-comprehension of written and/or oral English;
  - 21) failure of JOBS Prejeet-Chanee staff to make an appropriate employability assessment and/or plan;
  - 22) the individual personally provides care for a child under age six {6} and the employment would require working more than twenty-{20} hours per week;
  - 23) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available;
  - 24) failure to participate in a JOBS Prejeet-Chanee activity due to a scheduled job interview;
  - 25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next thirty-{30} days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;
  - 26) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
  - 27) other reasons that prevent participation that are outside of the control of the individual.
- b) The JOBS Prejeet-Chanee worker will not require a participant to document good cause for noncooperation with JOBS Prejeet-Chanee requirements unless:
- 1) the participant has failed to comply with JOBS Prejeet-Chanee requirements on at least one other occasion within a sixty-{60} day period; or
  - 2) evidence independent of the explanation of good cause casts doubt on the participant's explanation.

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## Section 112.80 (continued)

- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.81 Responsible Relative Eligibility for Fee JOBS Prejeet-Chanee

Only a responsible relative with no net income because of unemployment and who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois shall be eligible for JOBS Prejeet-Chanee services. A responsible relative who is participating in the Paternal Involvement Project shall be eligible for JOBS Prejeet-Chanee.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.82 JOBS Prejeet-Chanee Supportive Services

- a) AFDC participants involved in JOBS Prejeet-Chanee are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.

- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) child care;
- 3) job search allowance;
- 4) initial employment expenses;
- 5) required books, fees, supplies; and
- 6) required physical examinations and medical services (e.g., TB test).

- c) JOBS Prejeet-Chanee participation will not be required if supportive services are needed for effective participation but unavailable from

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## Section 112.82(c) (continued)

the Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

- d) Surplus financial aid benefits to clients from Pell grants, scholarships from the Illinois Student Assistance Commission, loans and all other scholarships and grants are considered available to meet the education and training supportive service needs incurred by clients. Financial aid benefits will be considered available only if they are not budgeted against food stamps. Financial aid benefits are not considered available to meet child care costs. Surplus financial aid benefits are funds disbursed to clients after payment for tuition, books, fees and supplies are deducted from the clients financial aid award. Only when surplus financial aid benefits are determined insufficient to meet clients' allowable educational expenses for the academic term will financial aid benefits be supplemented by the Department.

## e) Eligible Services

## 1) Transportation

- A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS Prejeet-Chanee appointments.

- B) Transportation expenses are to be paid to permit participation in JOBS Prejeet-Chanee, including travel necessary to locate appropriate child care.

- C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

- D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

- E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.



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Section 112.82(e)(1) (continued)

Section 112.82(e)(4) (continued)

F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

{12} month period will be provided. No payments are allowed for tuition.

2) Child Care

5) Books and Supplies

A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS Prejeet-Chanee appointments.

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per twelve-{12} month period can be provided for expenses not covered by financial aid benefits.

6)

Required Physical Examinations and Medical Services

B) Child care expenses are to be paid to permit participation in JOBS Prejeet-Chanee (see Section 112.78).

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

7)

Initial Employment Expense

C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

A) Payment may be provided for employment expenses incurred when requested within thirty-{30} calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty-{30} calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve-{12} consecutive month period.

3) Job Search Allowance

A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Component to assist in the payment of job search-related expenses.

B) An allowance of \$10.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another JOBS Prejeet-Chanee component except, if the individual is scheduled at eighty-{80} hours in the Community Work Experience component or Unemployed Parent Work Experience Component and is making five {5} employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.

4) Mandatory Fees

B) These expenses include:

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per twelve

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);

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## Section 112.82(e)(7) (continued)

iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

iv) auto license plate fees;

v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;

vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;

vii) child care;

viii) physical examinations prior to employment if required and not provided by the employer;

ix) other required items related to a specific job (maximum \$300); and

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

C) Initial employment expenses will not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or

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## Section 112.82(e)(7)(C) (continued)

pay relocation expenses so an individual can accept employment elsewhere.

D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.

f) These allowances are exempt from consideration in determining the AFDC grant amount.

g) Ancillary Supportive Services

1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in JOBS Project-Chancee:

A) vocational rehabilitation;

B) emergency intervention services;

C) substance abuse or domestic violence programs;

D) life skills training activities;

E) family planning/sex education;

F) parenting skills; and

G) family counseling.

2) Child care and transportation at the Department's established rates may be provided to enable JOBS Project-Chancee participants to receive ancillary supportive services if they also participate in a component activity.

3) Regarding emergency intervention services, JOBS Project-Chancee staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be

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## Section 112.82(g)(3) (continued)

discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.83 Young Parents Program

- a) Young Parents Program ("YPP" and "Program") is a JOBS Project-Chancee program for pregnant or parenting recipients under the age of 21 and who meet the criteria of Section 112.70. The Program assists participants toward self support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The Program offers supportive services, service payments, counseling, instruction, and brokerage to assist participants to attain their goals of education and training, develop job readiness and enhance family management, daily living, family health and personal skills needed for self-sufficiency. Participation in the Young Parents Program is considered the same as participation in JOBS Project-Chancee.

## b) Program Services

- 1) Program services are available for all Cook County residents meeting YPP eligibility requirements, except those residing in the areas served by the Southeast, Auburn Park, Roseland and South Suburban local offices. YPP participants are entitled to the same supportive services as JOBS Project-Chancee participants as described in Section 112.82. To be eligible to enroll, a person must be pregnant or a parent, under the age of 21 and a recipient of assistance from one of the following programs administered by the Department:

- A) Medical Assistance/Grant Programs (MAG);
- i) Refugee/Repatriate Programs (RRA);
  - ii) Aid to Families with Dependent Children/Regular (AFDC-R);
  - iii) Aid to Families with Dependent Children/Unemployed Parent (AFDC-U); or
  - iv) General Assistance (GA).

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## Section 112.83(b)(1) (continued)

- B) Medical Assistance/No Grant Programs (MANG - Non-spend down);
- i) Medical Assistance to Families with Dependent Children (AFDC MANG-CR); or
  - ii) Medical Assistance to Families with Dependent Children/Unemployed Parent (AFDC MANG-CU).
- 2) A participant who attains age 21 may remain in the Program for completion of YPP service plans in effect on his or her twenty-first birthday. Upon completion of the service plan, the participant is moved to JOBS Project-Chancee (see Sections 112.70 thru 112.82).
- c) YPP operates as follows:
- 1) Participation in the Program begins with attendance at a scheduled orientation session. The orientation session provides an overview of YPP and discussions of opportunities, personal goals, and the advantages of self-support, and problems of teenage parents. At orientation the participant is also advised as to the voluntary and mandatory aspects of the Program.
  - 2) Following the orientation session, participants are scheduled to attend a series of ~~three~~ 3 half day workshops. Each half day session is conducted on a different day. Workshop participants receive information on and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self support services, parenting, advocacy, community resources, the world of work, self-esteem and family health care. A self assessment is completed, and a literacy test is administered.
  - 3) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, the participant's interests, abilities and skills are reviewed. Together with the participant, goals and a plan of self-support will be developed. The participant is assigned to the appropriate YPP component and, based on an assessment of the participant's needs, may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment).
  - d) Assignment to YPP Component



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## Section 112.83(d) (continued)

- 1) On the basis of the interviewer's assessment of the participant's education, training and skills, the participant is assigned to one of the following YPP components: Education, Job Skills Training, Job Readiness or Job Search. Participation in each of the YPP components consists of performance of component related activities such as: enrolling in and attending school, English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities.

## A) Education

- i) Participants currently in school, those wishing to return to school, and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write) are assigned to the Education component. These participants are assisted in locating facilities or programs suited to their education or training needs.

- ii) Participants that do not have the necessary English language skills (i.e., lacks ability to read, write or speak English) to obtain employment are assigned to the Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.

- iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.

## B) Job Skills Training

- i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Job Skills Training component. They will be referred for vocational training programs such as those offered by JTPA, the city colleges, and JOBS Preject-Change if they meet the requirements of those programs.

- ii) Participants entering YPP without a high school diploma and already enrolled in vocational training will also be required to participate in GED classes.

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## Section 112.83(d)(1)(B) (continued)

- iii) See Section 112.78(b) for a description of this component as well as for the participation requirements.

## C) Job Readiness

- i) The Job Readiness Component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

- ii) See Section 112.78(c) for a description of this component, as well as for the participation requirements.

## D) Job Search

- i) Participants in need of intensified job search skills (i.e., has never sought or held a job) or who are determined to be job ready are assigned to Job Search, which offers group, instruction, individual counseling and experiential learning to teach participants how to seek employment. A participant is determined to be job ready if an assessment of the participant demonstrates the educational background, work experience, and motivation necessary for entry into the job market. This assessment is done at the end of the three day workshop, upon completion of a YPP component, or following job club activities. Job ready participants receive JOBS Preject-Change services. Participants will conduct an independent job search (IJS), monitored by YPP workers. Participants conducting independent job search will make five (5) employer contacts weekly and attend weekly IJS group sessions.

- ii) See Section 112.78(d) for a description of this component, as well as for the participation requirements.

- 2) Regardless of component assignment, participants lacking such skills as parenting, home management, daily living, problem solving or socialization will receive personal skill development

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as part of their component assignment. This activity consists of Parent Training/Enrichment sessions, a series of group instruction seminars and experiential learning activities, and/or Intensive Counseling.

## e) Post Secondary Education

See Section 112.78(h) for a description of this component, as well as for the participation requirements.

## f) Self-initiated Education

See Section 112.78(i) for a description of this component, as well as for the participation requirements.

g) If a need for services other than or in addition to YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.

h) Every three {3} months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall make personal contact with the participant to review that participant's employability plan in relation to his/her needs, circumstances and progress.

i) Every six {6} months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall determine whether to continue, revise or terminate the participant's employability plan and/or component assignment.

j) If the employability plan and/or assigned component are not suited to a participant's needs, the employability plan shall be revised with input from the participant and the YPP worker and, if necessary, the participant shall be assigned to a more suitable component.

## k) Other Considerations

1) If the participant is under age 21 and completes the requirements of an employability plan and/or component, the employability plan may be revised and, if necessary, the participant may be assigned to a different component.

2) If the participant reaches age 21 but has not yet attained his/her goal, he/she may remain an active YPP participant until

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.83(k)(2) (continued)

completion of the goal.

## 1) Young Parents Program Sanction

See Section 112.79 for the Department's policy on sanctions for failure to cooperate with Young Parents Program requirements.

## m) Good cause for failure to comply with Young Parents Program Participation requirements

See Section 112.80 for the Department's policy on good cause for failure to comply with Young Parents Program participation requirements.

## n) Termination Of YPP Cases

YPP cases shall be terminated for any of the following reasons:

- 1) the participant no longer receives assistance through a YPP eligible public assistance program (see subsection (b)(1) above);
- 2) the participant is age 21 or over and completes all YPP plans;
- 3) the participant who is a volunteer and is exempt from participation requests YPP case cancellation;
- 4) the participant obtains full-time employment and remains employed for six {6} consecutive months;
- 5) the participant who is a volunteer and is exempt from participation elects to enroll in a program providing services similar to those offered by YPP (e.g. Parents Too Soon, Project Match);
- 6) for a period of three {3} consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause, to engage in the activity or level of activity agreed upon in the YPP employability plan;
- 7) the participant moves from Cook County or a move within Cook County causes participation not to be convenient. (In such an instance, the YPP case is transferred to the appropriate JOBS Project-Ghause office); or
- 8) when a participant's status changes to exempt and he/she does not wish to volunteer for YPP services.

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## Section 112.83 (continued)

## o) Conciliation and Fair Hearings

See Section 112.77 for the Department's policy on Conciliation and Fair Hearings.

## p) Expenses

In order to enable YPP participants to engage in YPP approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment expenses, job search allowance child care and/or transportation costs may be approved by YPP workers. YPP shall not duplicate payments made by other programs in which the client is participating, such as JOBS Project-Chancee or JTPA.

- 1) Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone numbers of five (6) employers contacted each week.
- 2) Transportation expenses for participation in other YPP components will be paid in advance of the first two (2) weeks of scheduled participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a YPP form verifying the participant's attendance. The YPP participant will be reimbursed for the least expensive available means of transportation.
- 3) Transportation expenses to provide access to services for the treatment of physical, mental, and/or substance abuse related problems for YPP participants themselves and/or their children shall be approved by YPP workers.
- 4) YPP workers shall approve initial employment expenses necessary to enable a participant to accept employment.
- 5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the Education, Vocational Training, and the ESL components shall be approved by YPP workers.

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## Section 112.83(p) (continued)

- 6) In order to enable YPP participants to participate in any YPP approved activity except for employment, child care expenses will be provided.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.84 Work Experience Evaluation Project

- a) In Cook County, the Manpower Demonstration Research Corporation (MDRC) will conduct a research project to evaluate the net effect of the Work Experience component of JOBS Project-Chancee. This Project will differ from the program described in Section 112.78(f) in that at the beginning of JOBS Project-Chancee orientation (described in Section 112.76), new JOBS Project-Chancee mandatory registrants will be randomly assigned to an Experimental or Control group by a computer program.

- b) Both Experimental and Control groups will receive the full range of JOBS Project-Chancee services; however, only the Experimental group will be considered for participation with Work Experience.

- c) AFDC-U clients, JOBS Project-Chancee volunteers, existing JOBS nonexempt participants Project-Chancee mandatory registrants in Cook County, and all new and existing downstate JOBS nonexempt participants Project-Chancee mandatory registrants are exempt from the Evaluation Project.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)

## Section 112.85 Four Year College/Vocational Training Demonstration Project

- a) In the Four Year College/Vocational Training Demonstration Project, the Department provides information, referral, counseling services, and supportive services to increase clients' long-term employment potential. Clients are notified by mail twice a year of the Demonstration Project and are advised to make application with JOBS Project-Chancee staff within thirty-(30) days of the notice.

- b) Entry Into the Component

The assignment into the Four Year College/Vocational Training Demonstration Project is based on approval by the Department. The Department's approval shall be based on:



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## Section 112.85(b) (continued)

- 1) the eligibility criteria listed below; and
- 2) the need to ensure a statewide geographical distribution of participants in the Demonstration Project.

## c) Eligibility Criteria

In order to be eligible for the Demonstration Project, the following criteria must be satisfied.

- 1) The client possesses a high school diploma or GED certificate.
- 2) The program selected makes the client employable (see Section 112.78(a)(2)). Consideration shall be given to the time required to complete the program, as well as the overall cost and quality of the program.
- 3) The client must be enrolled in post-secondary education for which jobs will be available upon completion of training as determined by Job Service and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility).
- 4) The client has the aptitude, ability and interest necessary for success in the particular educational or training program (as determined by such factors as test results, educational background and previous training).
- 5) The program is administered by an educational institution accredited by ISBE or the Department of Registration and Education.

- 6) The client must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as any scholarships or grants identified by the education or training facility for which the registrant may be eligible.

- 7) The client must be enrolled in a full-time program unless:

- A) a full-time program is not readily available (e.g., a full-time GED program is not available); or
- B) a part-time program is more appropriate (e.g., the client only needs a four {4} hour course to complete his/her educational or training program).

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## Section 112.85 (continued)

## d) Participation Requirements

- 1) The client shall maintain a level of satisfactory attendance and progress as established and reported by the educational facility.
- 2) The client shall provide verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term. Additionally, if the department is paying for child care and/or transportation to enable the client to participate in the Four Year College/Vocational Training Demonstration Project, the client must provide monthly verification of his attendance-).
- 3) Curriculum changes can be made only with the prior written approval of the JOBS Prejeet-Chanee worker. Prior approval will be granted when the curriculum change is consistent with the written goal of the training program.
- e) Participants in the Demonstration Project will be eligible for the same supportive services accorded to clients in other education/training activities of the pre-employment component of JOBS Prejeet-Chanee (as identified at Section 112.82).
- f) Reassessment  
The JOBS Prejeet-Chanee worker shall contact clients on a monthly basis if the supportive service payments identified in Section 112.82 are issued. Clients not requiring supportive service payments or receiving these payments from another source shall be contacted once each semester. Client contact consist of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.

(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective June 27, 1994)

## SUBPART F: EXCHANGE PROGRAM

## Section 112.98 Exchange Program

- a) The Exchange Program develops employment opportunities for AFDC recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.98(a) (continued)

goal of the Exchange Program is to obtain jobs for AFDC recipients who might not be hired without a subsidy.

## b) Eligible Participants

1) AFDC mandatory and volunteer participants in JOBS Prejeet-Chanee (see Sections 112.70 through 112.82) who meet the selection criteria listed in subsection (b)(2) below are eligible to participate in the Exchange Program. Participation in the program is voluntary. An AFDC recipient who wants to participate in the Exchange Program must agree to all provisions in this Section during the time of participation in the program.

2) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation AFDC recipients must meet the following criteria for selection to participate in the Exchange Program:

- A) The recipient must be the parent of at least one of the children in the AFDC unit.
- B) The recipient must have completed the JOBS Prejeet-Chanee Intensive Job Search component (see Section 112.78(a)), have had a full assessment pursuant to Section 112.74, and been determined eligible to participate in other JOBS Prejeet-Chanee components (see Section 112.78).
- C) The recipient must have no income other than AFDC benefits.
- D) The recipient must be recommended for participation by the Project Chance worker. The JOBS Prejeet-Chanee worker will recommend for participation in the Exchange Program those JOBS Prejeet-Chanee participants who, based on their assessment under Section 112.74, are likely to encounter difficulty in obtaining employment (e.g., lack of skills for which jobs are available in the area, lack of work history).
- 3) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 4) NOTHING-~~IN-THIS-SECTION-SHALL-BE-CONSTRUED-AS-REQUIRING-THE-DEPARTMENT-OR-ANY-CONTRACTOR-TO-PROVIDE-EMPLOYEE-STATUS-TO-ANY-ELIGIBLE-INDIVIDUAL-TO-WHOM-IT-PROVIDES-A-JOB-POSITION-UNDER-THE-EXCHANGE-PROGRAM,-OR-WITH-RESPECT-TO-WHOM-IT-PROVIDES-ALL-OR-~~

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## NOTICE OF ADOPTED AMENDMENTS

## Section 112.98(b)(4) (continued)

~~PART-OF-THE-WAGES-PAID-TO-SUCH-INDIVIDUAL-BY-ANOTHER-ENTITY-UNDER-SUCH-PROGRAM-(42-U.S.C.-1614(e)(1)). Nothing in this Section shall be construed as requiring the Department or any contractor to provide employee status to any eligible individual to whom it provides a job position under the Exchange Program, or with respect to whom it provides all or part of the wages paid to such individual by another entity under such program (42 U.S.C. 1614(e)(1)).~~

5) ~~NOTHING-~~IN-THIS-SECTION-SHALL-BE-CONSTRUED-AS-REQUIRING-THE-DEPARTMENT-TO-PROVIDE-THAT-ELIGIBLE-INDIVIDUALS-FILLING-JOB-POSITIONS-PROVIDED-BY-CONTRACTORS-UNDER-THE-EXCHANGE-PROGRAM-BE-PROVIDED-EMPLOYEE-STATUS-BY-SUCH-ENTITY-DURING-THE-FIRST-13-WEEKS-DURING-WHICH-THEY-FILL-SUCH-POSITION-(42-U.S.C.-1614(e)(2)). Nothing in this Section shall be construed as requiring the Department to provide that eligible individuals filling job positions provided by contractors under the Exchange Program be provided employee status by such entity during the first 13 weeks during which they fill such position (42 U.S.C. 1614(e)(2)).~~~~

c) Benefits and Reporting Requirements while Participating in the Exchange Program

- 1) Participants in the Exchange Program are considered to be AFDC recipients and remain eligible for Medical Assistance for the duration of their Exchange Program participation. Child care expenses will be provided through JOBS Prejeet-Chanee while the participant is employed in an Exchange Program job.
- 2) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time at the prevailing minimum wage, less applicable payroll taxes, in lieu of the cash grant.
- 3) Participants are not required to file monthly reports as a requirement for continuing eligibility. Changes in income from sources other than the Exchange Program job and/or circumstances must still be reported within five (5) days of occurrence pursuant to 89 Ill. Adm. Code 102.50.
- 4) ~~WAGES-PAID-UNDER-AN-EXCHANGE-PROGRAM-SHALL-BE-CONSIDERED-TO-BE-EARNED-INCOME-FOR-PURPOSES-OF-ANY-PROVISION-OF-LAW-(42-U.S.C.-1614(e)(3)). Wages paid under an Exchange Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C. 1614(e)(3)).~~

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## Section 112.98 (continued)

## d) Duration of Program Participation

- 1) Participants may not exceed a total of nine (9) months in the Exchange Program subsidized placements regardless of the number of times an individual becomes an AFDC recipient. The period of a single assignment is dependent upon the terms of the Exchange Program contract which has been developed with the employer. Recipients will be informed of the length of the Exchange Program subsidy period prior to placement.

- 2) Participants who fail to cooperate with JOBS Project-Chancee program requirements (as defined in Section 112.72) or leave a supported work position without good cause (as defined in Section 112.80) are removed from the Exchange Program and become ineligible to participate in the Exchange Program at any future time. Persons who become ineligible for the Exchange Program are not sanctioned due to Exchange Program ineligibility.

## e) Contracts with Employers

- 1) Employers that participate in the Exchange Program must enter into a written contract with the Department prior to receiving referrals under the Exchange Program.
- 2) Employers must be in good standing (i.e., in compliance with all applicable federal, state State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

## f) Calculation of the Diverted Grants

- 1) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Exchange Program is made. The effective date of the diverted grant is the first day of the first full month of Exchange Program wages.
- 2) Exchange Program participants are not eligible for the disregards to earned income provided in Sections 112.141 and 112.143.
- 3) Participants' grants are frozen beginning with the first full budget month which corresponds to the first full month of Exchange Program wages. The grant amount to which the participant would otherwise be entitled is diverted and used in whole or in part to pay a wage subsidy to the employer.

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## Section 112.98(f) (continued)

- 4) At the conclusion of the Exchange Program period, participants will have their grants determined using prospective budgeting until the first budget month following placement which does not include income earned while participating in the supported placement.

## g) Program Completion

If the participant continues employment after the Exchange Program period, the grant is determined using prospective budgeting for two full months following termination of the Exchange Program placement, after which retrospective budgeting is used. If the participant is no longer eligible for AFDC benefits after the Exchange Program period, a determination of continued medical eligibility shall be made in accordance with Sections 112.330 and 112.332.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective June 27, 1994)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) <u>Section Numbers</u>	<u>Adopted Action</u>
1040.20	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (~~III/ R4/ 1989/ 44/ 95~~ 1/2/ ~~44/ 2104(b)~~) [625 ILCS 5/2-104(b)] and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (~~III/ R4/ 1989/ 44/ 95~~ 1/2/ ~~44/ 2104(a)~~) [625 ILCS 5/6-104(a)].

5) Effective Date of Amendments: **JUN 27 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: **JUN 27 1994**

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 2853 (February 25, 1994).

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version:

At the direction of the Administrative Code Unit the following changes were made:

All of the old Ill. Rev. Stat. citations throughout this rulemaking were stricken out for removal.

The following changes were recommended by the Joint Committee on Administrative Rules:

At sub-section (i), 6-206(a)(33): the new language entry under the EDPM Offense Code was changed from 6 206 A33 to 206133.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? N/A

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? Yes.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.35	Amendment	18 Ill. Reg. 2608 (February 18, 1994)

15) Summary and Purpose of Rule: This rulemaking is proposed to reflect recent legislative changes to the Illinois Vehicle Code.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Mark A. Novak  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section  
1040.10 Court to Forward Licenses and Reports of Convictions  
1040.20 Illinois Offense Table  
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License  
1040.30 3 or More Traffic Offenses Within 12 Months  
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation  
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently  
1040.35 Commission of an Offense Requiring Mandatory Revocation upon Conviction  
1040.38 Commission of a Traffic Offense in Another State  
1040.40 Repeated Convictions or Collisions  
1040.41 Suspension of Licenses for Curfew Violations  
1040.42 Fleeing and Eluding  
1040.43 Illegal Transportation  
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations  
1040.48 Vehicle Emission Suspensions  
1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver  
1040.55 Suspension or Revocation for Driver's License Classification Violations  
1040.60 Release of Information Regarding a Disposition of Court Supervision  
1040.65 Offenses Occurring on Military Bases  
1040.66 Invalidation of a Restricted Driving Permit  
1040.70 National Driver Register  
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card  
1040.100 Rescissions  
1040.101 Reinstatement Fees  
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
- AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (111/ Rev/ Stat/ 1991/ Ch/ 95 1/2/ par/ 64201 et seq/ and 6700 et seq/)(625 ILCS 5/6-201 et seq/ and 6-700 et seq/) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (111/ Rev/ Stat/ 1991/ Ch/ 95 1/2/ par/ 24104(b))(625 ILCS 5/2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg.

## SECRETARY OF STATE

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3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 2128, effective February 19, 1993; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. , effective .

JUN 27 1994

## Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

## 1) Classification for convictions of traffic offenses:

Type action 68:	Record History Item Only
Type action 82:	Conviction
Type action 83:	Immediate action (no points assigned)
Type action 85:	Conviction (no points assigned)
Type action 87:	Conviction (points assigned)
Type action 89:	Withdrawal (no points assigned)
Type action 93:	Immediate action bond forfeiture (no points assigned)
Type action 94:	Immediate action conviction (no points assigned)
Type action 95:	Bond forfeiture (no points assigned)
Type action 96:	Conviction (no points assigned)
Type action 97:	Bond forfeiture (points assigned)
Type action 99:	Conviction (points assigned)

NOTICE OF ADOPTED AMENDMENT(S)

2) Description of Offense: The code used to describe the offense is composed of the Chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 11-100 et seq.)(625 ILCS 5/11-100 et seq.), the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 (Ill. Rev. Stat. 1991, Ch. 38, par. 1-1 et seq.)(720 ILCS 5/1-1 et seq.), the Cannabis Control Act (Ill. Rev. Stat. 1991, Ch. 36 1/2, par. 701 et seq.)(720 ILCS 550/1 et seq.), the Illinois Controlled Substances Act (Ill. Rev. Stat. 1991, Ch. 36 1/2, par. 1100 et seq.)(720 ILCS 570/100 et seq.) or The Liquor Control Act of 1934 (Ill. Rev. Stat. 1991, Ch. 43, par. 131(4))(235 ILCS 5/6-16(a)). Preceding the Section number for these codes with the exception of those listed in subsection (a)(1) above, will be a single digit code to identify the specific law which will be as follows:

- 0 - Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act or The Liquor Control Act of 1934
  - 1 - Illinois Vehicle Code
  - 2 - Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be a "2"
  - 4 - Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 4-100 et seq.)(625 ILCS 5/4-100 et seq.)
  - 6 - The Illinois Driver Licensing Law
  - 7 - Chicago Municipal Ordinance
  - 8 - Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")
- NOTE: The position for the single digit codes 1, 2, 6, or 8 will be symbolized by a # throughout the point table set out herein.

3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out herein).

NOTICE OF ADOPTED AMENDMENT(S)

4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 6-206(a)(2))(625 ILCS 5/6-206(a)(2)), as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.

- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, Criminal Code, The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act. The following violations of the Illinois Vehicle Code, Criminal Code, The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 4-100 et seq.)(625 ILCS 5/4-100 et seq.))
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 4-100 et seq.)(625 ILCS 5/4-100 et seq.))



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
4-103.1	103100	4 103 01	<i>Vehicle Code (Ill. Rev. Stat., 1991, ch. 95 1/2, pars. 4-100 et seq.)(625 ILCS 5/4-100 et seq.)</i> Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/4-100]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver restriction (a serious traffic violation if committed in a commercial motor vehicle)

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## NOTICE OF ADOPTED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-110(a)	110000	6 110 00	Violation of curfew law - under age of 17 ("An Act relating to a curfew for certain children" (Ill. Rev. Stat., 1991, ch. 23, pars. 2371 and 2372)(725 ILCS 555/1 and 555/2)
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, (Ill. Rev. Stat., 1991, ch. 37, par. 1-8)(705 ILCS 405/1 through 405/9) that minor

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-205(b)2	205202	6 205 B2	has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-210(1)	210001	# 210 01	When any other law of this State requires either the revocation or suspension of such license or permit
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	Driving during the period of revocation/suspension
6-301(2)	301002	# 301 02	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(3)	301003	# 301 03	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(4)	301004	# 301 04	To display or represent as his own any license or permit issued to another
6-301(5)	301005	# 301 05	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(6)	301006	# 301 06	To allow any unlawful use of a license or permit issued to him
			To submit to an examination or to obtain the services of another person to submit to an examination for the

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-301.1(b)1	301121	# 301121	purpose of obtaining a driver's license or permit for some other person
6-301.1(b)2	301122	# 301122	Possess fictitious altered driver's license or permit
6-301.1(b)3	301123	# 301123	Possess/display altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-302(a)1	302101	# 302101	Present false information in an application for driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
8-101	008000	8000	while subject to or in violation of an "out-of-service" order
11-204	020400	# 0204 00	Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire
11-204.1	020401	# 0204 01	Fleeing or attempting to elude a police officer
11-401	040100	# 0401 00	Aggravated fleeing or eluding a police officer
11-402(b)	040202	# 0402 02	Leaving scene or failure to report an accident involving death or personal injury
11-406(a)	040610	# 0406 A0	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(b)	040620	# 0406 B0	Failure to make report of vehicle accident
11-501(a)1	050111	# 0501 A1	Failure to make report of school bus accident
11-501(a)2	050112	# 0501 A2	Driving while alcohol concentration is .10 or more
11-501(a)3	050113	# 0501 A3	Driving while under the influence of alcohol
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs
11-501(a)5	050115	# 0501 A5	Driving under the combined influence of alcohol and other drug or drugs
			Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption



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IVC  
VIOLATION  
CODE  
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EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act

Conviction of criminal sexual assault  
Conviction of aggravated criminal sexual assault

11-501(d)1 050141

# 0501 D1

Such person committed a violation of Par. 11-501(a) for the third or subsequent time

012013

12 13

Conviction of criminal sexual abuse

11-501(d)2 050142

# 0501 D2

Such person committed a violation of Par. 11-501(a) while driving a school bus with children on board

012016

12 16

Conviction of aggravated criminal sexual abuse

11-501(d)3 050143

# 0501 D3

Such person in committing a violation of Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries

0018003

18 3

Conviction of vehicular hijacking

11-504 050400

# 0504 00

Drag racing

021002

21 02

Criminal trespass to motor vehicles

12-215(g) 221507

# 2215 07

Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-215)(625 ILCS 5/12-215) without lawful authority to stop

022051

22 51

Violation of the Hypodermic Syringes and Needles Act (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 22-51)(720 ILCS 635/2) concerning the sale of instruments used for illegal drug use or abuse

CRIMINAL  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

9-3 009003

9 03

Reckless homicide resulting from operation of a motor vehicle

241107

241 A7

Conviction of unlawful use of weapons while using a motor vehicle

11-15.1 011151

11 151

Conviction of soliciting for a juvenile prostitute

241109

241 A9

Conviction of unlawful use of weapons while using a motor vehicle

11-19.1 011191

11 191

Conviction of juvenile pimping

241200

241 200

Conviction of aggravated discharge of a firearm

12-5 012005

12 05

Conviction of reckless conduct

241520

24 15B

Conviction of reckless discharge of a firearm

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THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934
704(a)	070401	704 01	Conviction for violation of 704(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of 704(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of 704(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of 704(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of 704(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis

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CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult
ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance
ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)7	014207	1402 07	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not



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ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
1402(b)	014220	1402 20	otherwise included in this subsection Conviction for violation of 1402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance	50
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor	20
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances	20
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act (111/ Rev/ 5/4/ 1991/ 44/ 56 1/2/ par/ 2103)[720 ILCS 600/3] concerning the sale of instruments used for illegal drug use or abuse	20

## c) Illinois Vehicle Code

The following point assigned violations will be entered on the driving record as type action -97- Bond forfeiture or type action -99- conviction

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
6-507(A)	507100	6 507 A0	Driving a commercial motor vehicle without a valid driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20
11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only - failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision-personal injury involved	50

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15 -25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)		11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commer- cial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20	11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commer- cial motor vehicle)	25
11-707(d)	070704	# 0707 04	No passing in unincorpo- rated areas where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10	11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5	11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-801	080100	# 0801 00	Improper turn at inter- section	10
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-802	080200	# 0802 00	Improper U-turn	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20	11-804	080400	# 0804 00	Failure to give stop or turn signal	15
					11-805	080500	# 0805 00	Improper stop or turn signal	15
					11-806	080600	# 0806 00	Improper arm signal	15
					11-901	090100	# 0901 00	Failure to yield right-of-way at inter- section	15
					11-901.1	090101	# 0901 01	Failure to yield right-of-way at T inter- section	15



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25	11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an inter- section	20
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or cross- walks with traffic control devices	20	11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20	11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-905	090500	# 0905 00	Improper merging into traffic	20	11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-906	090600	# 0906 00	Failure to yield right-of- way upon emerging from private road or roadway	20	11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-907	090700	# 0907 00	Failure to yield right-of- way to emergency vehicle	15	11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15	11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle display- ing flashing lights engaged in work upon a highway	15	11-1104	110400	# 1104 00	Driving through safety zone	20
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15	11-1201	120100	# 1201 00	Failure to stop for ap- proaching railroad train or signal	20
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20	11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20	11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
					11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
					11-1205	120500	# 1205 00	Failure to yield right-of- way upon emerging from alley or driveway	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1402(a)	140201	# 1402 01	Limitations on backing	10	11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20	11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5	12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5	12-208(a)	220801	# 2208 01	No stop lights	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel - reckless driving	55	12-208(b)	220802	# 2208 02	No turn signal lights	5
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5	12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5	12-301	230100	# 2301 00	Defective brakes	20
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20	12-804	280400	# 2804 00	School bus identification and warning light violation	5
11-1414(e)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25	15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10	15-109	510900	# 5109 00	Spilling or unsafe load	15
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadways	10	15-110	511000	# 5110 00	Improper towing of a vehicle	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10	15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago

The following point assigned violations will be entered on the driving record as type action - 97 - Bond forfeiture or type action - 99 - conviction

SECRETARY OF STATE		NOTICE OF ADOPTED AMENDMENT(S)		SECRETARY OF STATE		NOTICE OF ADOPTED AMENDMENT(S)	
CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	POINTS *****	CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	POINTS *****
7-201	201000	7 201 00	20	7-215	215000	7 215 00	20
		Disregarding official traffic control device				Improper or illegal turn on red signal light	
7-202	202000	7 202 00	20	7-216	216000	7 216 00	10
		Disregarding traffic control light				Improper U-turn	
7-203	203000	7 203 00	20	7-217	217000	7 217 00	10
		Disregarding flashing traffic signal				Improper U-turn in Loop district	
7-204	204000	7 204 00	20	7-218	218000	7 218 00	10
		Disregarding lane control light				Disobeying no-turn sign	
7-205	205000	7 205 00	20	7-219	219000	7 219 00	5
		Avoiding official traffic control device				Driving wrong way on one- way street	
7-210	210000	7 210 00	10	7-220	220000	7 220 00	5
		Driving motor-driven cycle on access roadway				Driving wrong way on one- way street - restrictive period	
7-211	211000	7 211 00	20	7-221	221000	7 221 00	20
		Improper traffic lane usage				Disregarding stop sign at intersection	
7-212	212000	7 212 00	10	7-222	222000	7 222 00	20
		Speeding too fast for conditions				Failure to yield right- of-way at stop intersection	
7-212.01	212001	7 212 01	5	7-223	223000	7 223 00	20
		1 - 10 MPH above limit				Failure to yield right-of- way upon emerging from alley or driveway	
7-212.03	212003	7 212 03	15				
		11 - 14 MPH above limit					
7-212.05	212005	7 212 05	20	7-224	224000	7 224 00	20
		15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)				Entering intersection when traffic is obstructed	
7-212.07	212007	7 212 07	50	7-225	225000	7 225 00	20
		Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)				Failure to observe yield right-of-way	
7-213	213000	7 213 00	5	7-226	226000	7 226 00	20
		Driving below minimum speed limit				Failure to stop for approach- ing railroad train or signal	
7-214	214000	7 214 00	10	7-227	227000	7 227 00	20
		Improper turn at inter- section				Failure to observe bridge signal	
				7-228	228000	7 228 00	15
						Failure to yield right-of- way to emergency vehicles	
				7-229	229000	7 229 00	20
						Failure to yield right-of- way to pedestrian at inter- section	



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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane - bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10

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## NOTICE OF ADOPTED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs - prohibited right or left turn	10

## e) Illinois Vehicle Code

The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation

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## NOTICE OF ADOPTED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-713(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act, (111/ Rev/ Stat/ 1991/ Ch/ § 1/2/ Part/ 1104)[625 ILCS 5/11-1104] child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act, (111/ Rev/ Stat/ 1991/ Ch/ § 1/2/ Part/ 1104(a))[625 ILCS 5/11-1104(a)] child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of The Municipal Code  
of Chicago

The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value:

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a Funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a Funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

## g) Case Review

1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.

2) Driver control action shall be entered upon the driver's record by classification (type action).

## A) Classification for driver control actions:

Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsatisfisfied Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action DQ	Discretionary/Mandatory Disqualification
Type action OS	Out of Service Law Enforcement History Item

## B) Description of driver control action:

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The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

## h) Mandatory Revocation - Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury - violation of Section 11-401 of The Illinois Vehicle Code
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire, Chapter 8 or for rent, Chapter 9



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a police officer
6-205(a)12	205112	6 205 A12	Violation of Sec. 6-507(b) relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	6205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

i) Discretionary Revocations and Suspensions - Type Action 02 or 03

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6 206 A12	Obtained the services of another

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)13	206113	6 206 A13	person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)14	206114	6 206 A14	Violation of Curfew Act
6-206(a)15	206115	6 206 A15	Unlawful use of license or permit under Section 6-301 or 6-301.1 or 6-301.2
6-206(a)16	206116	6 206 A16	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 (711/ Rev/ Stat/ 1991 ch/ 38/ pars/ 100+1 et seq/)(725 ILCS 5/100-1 et seq/)
6-20 (a)17	206117	6 206 A17	Violation of Section 11-204, fleeing from a police officer
6-20 (a)18	206118	6 206 A18	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-20 (a)19	206119	6 206 A19	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-20 (a)20	206120	6 206 A20	Has violated Section 6-101 - driving without a valid license
6-20 (a)21	206121	6 206 A21	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-20 (a)22	206122	6 206 A22	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
			Has used a motor vehicle in violation of Section 24-1(a) (3), (4), (7), or (9) of the Criminal Code of 1961

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)23	206123	6 206 A23	Has been convicted of violating Paragraph (a) of Section 11-502 for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-206(a)30	206130	6 206 A30	used for illegal drug use or abuse while operating a motor vehicle
6-206(a)31	206131	6 206 A31	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)32	206132	6 206 A32	Refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)33	206133	6 206 A33	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
			A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense

Conviction of an offense while holding a Restricted Driving Permit

j) Discretionary or Mandatory - Suspension - Type Action 03, 07, 09, 17, or 18

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines-parking violations
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions suspension

k) Cancellation - Type Action 08

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information



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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
1) Discretionary/Mandatory Disqualification - Type Action - DQ			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drug(s)
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offense(s) using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
m) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****
6-515	515000	6 515	24 Hour out-of-service order
n) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:			
DHR CONVICTION CODE	DESCRIPTION OF OFFENSE *****		
*****	*****		
DE 0	Defective equipment		
DS 0	Disability		

listed in the Illinois Controlled Substances Act

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

## DESCRIPTION OF OFFENSE

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DS 1 Inability to pass one or more tests required for driver's license

MS 0 Miscellaneous

EM 0 Equipment misuse

MS 5 Sex offense in vehicle

EM 1 Leaving a vehicle unattended with engine running

RR 0 Required reports, appearances, or documents

ER 0 Equipment regulations

RR 1 Failure to file report of accident as required

ER 2 Use of equipment prohibited by law

RR 2 Failure to appear for hearing or trial

FA 2 Violation of a motor vehicle law resulting in one's own death

RR 3 Failure to surrender driver's license, registration, or title documents as required

FA 3 Suicide by motor vehicle

RT 0 Registration and titling

FE 0 Felony

RT 3 Misrepresentation of identity or other facts to obtain a vehicle registration or title

FR 0 Financial responsibility

RT 4 Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)

FR 1 Unsatisfied judgment

FR 2 Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law

RV 1 Recurrence of violations requiring mandatory action of the licensing authority as specified by law

FR 3 Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws

RV 2 Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system

FR 4 Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law

RV 3 Accumulation of violations resulting in discretionary action by the license authority

FR 5 Failure to maintain required compulsory liability insurance

SC 6 Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions

LI 0 Littering

VR 0 Violation of restriction licensing requirements

MR 0 Misrepresentation contribution violation

VR 6 Allowing an unlicensed operator to drive

MR 5 Obtaining or applying for a duplicate driver's license during withdrawal

o) The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:

MR 6 Misrepresentation of identity or other facts to avoid arrest or prosecution

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

\*\*\*\*\*

C 11 Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more

C 13 Refusal to undergo such testing as is required by any State or jurisdiction

DI 0 Driving while intoxicated violation pertaining to intoxication

DI 1 Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs

DI 2 Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use

DI 3 Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication

DI 6 Impaired

EM 7 Operating or using a vehicle without consent of the owner

FE 1 Using a motor vehicle as the device for committing a felony

FE 2 Using a motor vehicle in connection with a felony

HR 4 Evading arrest by fleeing the scene of citation or roadblock

HR 5 Evading arrest by extinguishing lights (when lights are required)

MR 1 Misrepresentation of identity or other facts to obtain a driver's license

MR 2 Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation, etc.)

MR 3 Displaying the driver's license of another person

MR 4 Loaning a driver's license

SP 1 Contest racing on public traffic way

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

\*\*\*\*\*

VR 1 Driving while revoked

VR 2 Driving while suspended

VR 4 Operating contrary to conditions specified on driver's license

VR 5 Operating without being licensed or without license required for type of vehicle operated

p) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of Subsections b, c, or l of this Section, respectively.

q) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

\*\*\*\*\*

C 12 Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)

C 14 Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)

C 16 A felony involving the use of a commercial motor vehicle, other than a felony described in C 17 (disqualification if committed in a commercial motor vehicle)



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## NOTICE OF ADOPTED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

C 17

The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)

r) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

\*\*\*\*\*

AC 0

Accident

AC 2

Violation of a motor vehicle law resulting in property damage

AC 3

Violation of motor vehicle law not resulting in damage to persons or property but considered an accident

AC 4

Involvement in an accident considered no indication of fault

DE 1

Operating with defective headlights

DE 3

Operating with defective muffler or exhaust system

DE 4

Operating with defective tires

DE 5

Operating with defective equipment resulting in inability to control vehicle movement properly

DI 5

Administrative per se

DS 2

Operating a motor vehicle improperly because of physical or mental disability

DS 3

Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

## DESCRIPTION OF OFFENSE

\*\*\*\*\*

EM 2

Overloading vehicle with passengers or cargo

EM 4

Creating unlawful noise with vehicle or accessory

EM 5

Failure to dim lights as required

EM 6

Using a vehicle in connection with illegal activity other than a felony

ER 1

Operating without equipment required by law

FA 0

Fatality

FE 3

Using a motor vehicle to aid and abet a felon

FO 0

Following improperly

FO 3

Following an emergency vehicle unlawfully

HR 3

Leaving the scene of an accident after providing aid or identity but before arrival of police

HV 0

Conviction of multiple serious offenses resulting in a long term removal of the license

IL 0

Improper lane operation where prohibited

IL 3

Ran off road

IL 4

Driving on road shoulder, in ditch, or on sidewalk

LI 1

Depositing injurious or harmful substance on traffic way

LI 2

Throwing from vehicle any burning or smoldering substance

LI 3

Littering from a motor vehicle

MS 3

Opening vehicle closure into moving traffic or while vehicle is in motion

MS 4

Crossing fire hose with vehicle

MS 6

Unsafe operation of vehicle

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****
RK 0	Reckless, careless, or negligent driving
RK 2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property
RK 3	Transporting hazardous substance without required safety devices or precautions
RK 4	Coasting or operating with gears disengaged
RR 4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required
RR 5	Operating a motor vehicle with registration plates missing, defaced or obscured
RT 1	Operating a vehicle without registering it as required
RT 2	Operating with expired registration
RV 0	Repeated violations
RW 0	Right-of-way
RW 5	Failure to yield to school bus as required
SC 3	Passing through or around barrier positioned to prohibit or channel traffic
SC 4	Failure to observe warnings or instructions on vehicle properly displaying them
SI 3	Failure to cancel directional signals after executing maneuver
SP 5	Operating at erratic or suddenly changing speeds
TU 0	Turns
TU 1	Making right turn from left turn lane
TU 2	Making left turn from right turn lane
VR 3	Driving after license denied

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
WW 0	Wrong way, side or direction	
s)	The following point assigned violations will be entered on the driving record as type action -87- conviction:	
DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C 19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C 21	Improper or erratic traffic lane changes when operating a CMV	20
C 22	Following the vehicle ahead too closely when operating a CMV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE 2	Operating with defective brakes	20
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10
PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side	20
PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25

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## NOTICE OF ADOPTED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
PA 5	Failure to signal intention to pass	15
PA 6	Failure to yield to overtaking vehicle	20
RK 1	Headless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RW 1	Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 3	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required	20
SC 0	Signs and control devices	20
SC 1	Failure to follow instructions of a police officer	10
SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20
SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima Facie speed violation for driving too fast for conditions	10



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DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TU 3	Making improper turn	15
WW 1	Driving wrong way on one-way street	5
WW 2	Driving on wrong side of road	20
WW 3	Driving in wrong direction at rotary inter-section	5

t) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

DHR WITHDRAWAL CODE *****	DESCRIPTION OF WITHDRAWAL *****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any State or jurisdiction
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more
C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law
C 53	Disqualification for refusal to undergo such testing as is required by any State or jurisdiction
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))
C 55	Disqualification for leaving the scene of an accident involving a CMV

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DHR WITHDRAWAL CODE *****	DESCRIPTION OF WITHDRAWAL *****
C 56	Disqualification for a felony involving the use of a CMV as in C 16
C 61	As in C 51, but involving hazardous materials
C 62	As in C 52, but involving hazardous materials
C 63	As in C 53, but involving hazardous materials
C 64	As in C 54, but involving hazardous materials
C 65	As in C 55, but involving hazardous materials
C 66	As in C 56, but involving hazardous materials
C 70	Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17
C 71	Disqualification for 2nd offense for any combination of violations as described in C 11-C 16
C 80	Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents. Disqualification period is 60 days.
C 81	Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents. Disqualification period is 120 days.
C 99	24 Hour Out-of-Service Order
DI 3	Refusal to submit to a test for alcohol, after arrest for driving while intoxicated or suspicion of intoxication thereof.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 27 1994 )

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## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers Adopted Action

1070.40	Amendment
1070.60	Amendment
1070.80	Amendment
1070.90	Amendment
1070.100	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1980/ Ch. 93 1/2/ par. 7-100 et seq.) [625 ILCS 5/Ch. 7].

5) Effective Date of Amendments: JUN 28 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: JUN 28 1994

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 2217 (February 14, 1994).

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version:

At the direction of the Administrative Code Unit, the following changes were made:

- 1) The main source note was updated to include "amended at 17 Ill. Reg. 8517, effective May 27, 1993".
- 2) At Section 1070.40 the labels contained in the definition of "Proper Notice" were deleted.
- 3) At Section 1070.60, the second "at" in the source note was deleted.
- 4) At Section 1070.80(b), the language which had been inadvertently omitted was restored and stricken, then the new language was added.

At the direction of the Joint Committee on Administrative Rules, the following changes were made:

- 1) At the Authority section, the cite "[625 ILCS 5/7]" was changed to "[625 ILCS 5/Ch. 7]".

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2) At Section 1070.40(m), the underscoring was removed from the period at the end of the sub-paragraph.

3) At Section 1070.80(b), at line 14 in the new language, the words "Chapter Seven" were changed to "Chapter 7".

4) At Section 1070.80(b), at line 17 in the new language, the phrase "as amended by" was overstruck for removal, and the remaining language was placed as a cite.

5) At Section 1070.90(f), at line 2, the phrase "pursuant to P.A. 86-500, effective January 1, 1990," was overstruck for removal.

6) At Section 1070.100(b), in line 3, the phrase "et seq." was overstruck for removal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Rule: This proposed rulemaking would eliminate discrepancies between the rules and the Illinois Vehicle Code, as well as office procedures. The changes proposed for Section 1070.40 make it clear that proof of financial responsibility is only required on judgments of \$500.00 or more, as specified in 625 ILCS 5/7-301. The word "certified" is added in order to assure the authenticity of a satisfaction of judgment. The change in Section 1070.60 is designed to conform with P.A. 86-549. In Section 1070.90 the changes are consistent with 625 ILCS 5/7-301 and office procedures.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Mark A. Novak  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

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## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1070

## ILLINOIS SAFETY RESPONSIBILITY LAW

## Section

1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law (111 R.S. 1987) Ch. 93 1/2, P. 17100 et seq. [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 28 1994.

## Section 1070.40 Disposition of Security

a) For purposes of this Section, the following definitions shall apply:

"Affidavit of Lost Receipt" - the form utilized when the receipt is lost. It must contain the name and address of the party, the amount of security deposited, the date and location of the accident, and the receipt number and date.

"Claim" - a demand for something rightfully or allegedly due.

"Claimant" - person or persons making claim.

"Default" - failure to make a payment when due.

"Department" - Department of Driver Services within the Office of the Secretary of State.

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"Discharged in Bankruptcy" - a legal order for release from a debt or debts.

"Installment Agreement" - agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety Responsibility Law.

"Judgment Creditor" - person who is owed money due to a court judgment in his/her favor.

"Proper Notice" - notice provided by, but not limited to any of the following: (1) Petition in Bankruptcy; (2) Notice of Meeting of Creditors; (3) Schedule A-3 of Schedule of Creditors; (4) Trustee Report of No Assets; (5) Discharge of Bankruptcy; (6) Notice of Automatic Stay; (7) Chapter 13 Wager Earner Plan.

"Release" - to give up or surrender a claim.

"Security" - deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety Responsibility Law.

b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.

c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one but not limited to the following: original receipt for the security deposited, or affidavit of lost receipt on a form approved by the Department, and documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.

d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s), and either the original receipt for the security deposit, an affidavit of lost receipt on a form supplied by the Department, or other acceptable documents. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.



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e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety Responsibility Law (111/ R&V/ §14/ 1889/ 44/ §5 1/2/ R&V/ 7444/ 625 ILCS 5/7-214).

f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety Responsibility Law.

g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Department of Administrative Hearings.

h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.

i) A security deposit shall be refunded if no legal action has been taken within two (2) years after the date of the accident and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her knowledge, he/she has not been or is not being sued. To verify this, the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the security shall not be refunded to the depositor.

j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a certified full or partial satisfaction of judgment.

k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial

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satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.

1) A surety bond shall be terminated if no legal action has been taken within two (2) years after the date of an accident, if the Department receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the surety bond shall not be terminated.

m) If a judgment creditor wishes to obtain a security deposit in the form of a surety bond to satisfy a judgment, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within fourteen (14) days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 28 1994)

Section 1070.60 Release From Liability

a) For purposes of this Section, the following definitions shall apply:

"Covenant Not to Sue" - a common law action by one who had a right of action against another person whereby he/she agrees not

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to enforce the right of action.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Release" - legal document which represents the relinquishment or the giving up of a right or claim by a person to the person against whom it might have been demanded or enforced.

b) A person shall be released from the requirement for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 7-201)(625 ILCS 5/7-201) if there is satisfactory evidence filed with the Department that the person has been released from liability. Satisfactory evidence shall include the following:

- 1) A notarized release signed by the interested party or authorized representative.
- 2) A notarized release signed by the interested party's parent or legal guardian if the interested party is a minor.
- 3) A notarized release signed by the administrator or executor of the interested party's estate if the interested party is deceased and a certified court order naming the person as administrator or executor of the estate or a notarized affidavit of heirship.
- 4) A notarized covenant not to sue signed by the interested party or his/her authorized representative.

c) A person shall also be released from the requirements for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law if there is satisfactory evidence filed with the Department that there has been a final adjudication of non-liability. Satisfactory evidence shall include a certified court order stipulating that the person otherwise required to deposit security is not liable as a result of the accident.

d) The Department shall also accept a certified copy of a satisfaction of judgment, a judgment note, or a court order dismissing the case because all matters have been settled to release a person of the requirement for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law. Evidence of settlement shall also be accepted by the Department in the form of a bill for repair marked paid or a canceled check(s) indicating full payment. ~~in the above certified~~

(Source: Amended at 4/18 Ill. Reg. \_\_\_\_\_, effective JUN 28 1994)

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Section 1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

a) For purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Secretary of State's Office.

"Driver Service's Facility Representative" - employees of the Secretary of State.

"Financial Responsibility Filing" - filing with the Secretary of State in accordance with Chapter 7 of the Illinois Safety Responsibility Law of one of the following acceptable forms of security: a certified policy of insurance, cash/securities deposit, and/or a surety bond/real estate bond.

b) If a person is involved in an accident while operating a commercial vehicle in the course of his/her employment and the employer files bankruptcy after a judgment is rendered against both the person and the employer, the person is ~~still responsible for filing future proof of financial responsibility~~. A person may obtain a driver's license restricted to the exclusive operation of a commercial vehicle owned or leased by another without filing future proof of financial responsibility after the employer's discharge in bankruptcy as provided in Section 7-210 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1983, Ch. 95 1/2, par. 7-210). His/her employer's bankruptcy papers showing the judgment has been discharged shall be submitted to the Safety and Financial Responsibility Section of the Department at 2701 South Dickson Parkway, Springfield, Illinois 62721, relieved from the requirements of Chapter 7 of the Illinois Vehicle Code upon acceptable proof the person was operating such commercial vehicle in connection with his/her regular employment or occupation at the time of the accident (P.A. 86-549, Section 1, effective January 1, 1990).

c) The Department shall then send the person a letter authorizing him/her to submit the letter to a local driver's license facility and obtain a restricted commercial driver's license.

d) The applicant shall submit his/her driver's license to the driver services facility representative at the local facility if he/she has not already surrendered it to the Secretary of State.

e) Before issuing the restricted license, the driver services facility representative from the local driver services facility shall call the Safety and Financial Responsibility Section of the Department to ensure that no change in the status of the applicant has occurred since he/she received the authorization letter.

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- f) If the only change required in issuing the driver's license is the addition of the type of restriction, there shall be no fee charged by the Secretary of State. If removing the driver's license at the same time, satisfactory fees and exams shall be required pursuant to sections 6-118(a) and 6-109 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 6-118(a) and 6-109).
- g) When a financial responsibility filing is received and accepted in accordance with section 1070/20 by the Department, a letter shall be sent by the Safety and Financial Responsibility Section indicating the person to obtain a driver's license without a type of restriction.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 28 1994)

## Section 1070.90 Dormant and Dead Judgments

- (a) For purposes of this Section, the following definitions shall apply:

"Dead Judgment" - an unpaid judgment which is twenty (20) years old or more/ (Ill. Rev. Stat. 1987, Ch. 110, par. 13-218) [735 ILCS 5/13-218].

"Debtor" - one who owes a debt.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Dormant Judgment" - an unpaid judgment which is seven (7) years old or more and has not been revived by petition/ (Ill. Rev. Stat. 1987, Ch. 110, par. 12-108) [735 ILCS 5/12-108].

"Judgment Creditor" - one who is owed money due to a court judgment in his/her favor and against the debtor.

"Revival of Judgment" - to render enforceable an unpaid dormant judgment by filing a petition for revival.

- b) A debtor may request that a suspension on his/her driving record be cleared because the judgment forming the basis for the suspension is dormant. The following documentation shall serve as proof of dormancy:

- 1) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or

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- 2) A court order or written verification on official letterhead, by a judge or clerk of the court, that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or
- 3) Written verification on official letterhead, by a judge or clerk of the court, that the required documentation has been destroyed or is not otherwise available and that no records of court show that the judgment has been revived by petition or is in effect.
- c) Upon receipt of the required documentation from the debtor, the Safety and Financial Responsibility Section of the Department shall determine if the debtor has filed proof of financial responsibility insurance for three (3) accumulated years in accordance with the Illinois Safety Responsibility Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, Ch. 95 1/2, Ch. 7-100 et seq.) [625 ILCS 5/Ch. 7]. If the judgment is under \$250\$500.00, proof of financial responsibility insurance is not required.

- 1) If proof of financial responsibility insurance has been given, the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

- A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition;
- B) Proof of financial responsibility insurance has been given for three (3) accumulated years; and
- C) The suspension will be cleared and made effective a date certain.

- 2) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney if the addressee is on file.

- 3) If proof of financial responsibility insurance has not been given and is required (judgment over \$250\$500.00), the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

- A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition; and
- B) Proof of financial responsibility insurance must be given and maintained for three (3) accumulated years. The suspension shall be cleared upon accepting proof of financial responsibility insurance. The suspension shall be



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closed when three (3) years of financial responsibility insurance have been accumulated.

- 4) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney, if their addresses are on file.

d) A dormant judgment may be revived by petition anytime prior to the expiration of the twenty (20) year limitation period. The following documents shall be considered adequate proof of revival by the judgment creditor:

- 1) A certified or file stamped ~~copy~~ of order from the court granting the petition for revival; or

- 2) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact the original judgment has been revived by petition; or

- 3) Written verification on official letterhead by a judge or clerk of the court, that the original judgment has been revived by petition.

e) Upon receipt of the required documentation of the judgment's revival from the judgment creditor, the Safety and Financial Responsibility Section shall notify the judgment creditor and his/her attorney and the debtor and his/her attorney that:

- 1) Proof of revival has been received and accepted in accordance with subsection (b) above by the Department; and

- 2) If the original suspension has already been cleared, a new suspension will be entered and made effective a date certain; or

- 3) If the original suspension has not been cleared, it will remain in effect.

f) All suspensions entered because of unpaid judgments now dead will be removed and terminated ~~with 30 days~~ to P/A, 06/30/ effective January 1, 1990/ from the driver's license file and the files of the Safety and Financial Responsibility Section.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 26 1994 )

Section 1070.100 Bankruptcy

- a) For purposes of this Section, the following definitions shall apply:

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"Bankruptcy Debtor" - a debtor under any chapter of the Federal Bankruptcy Code.

"Chapter 13 Plan" - an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" - a person to whom a debt is owed by another.

"Debtor" - one who owes a debt.

"Deletion of Suspension" - the permanent removal of the suspension from the driving record.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Discharge in Bankruptcy" - an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Notice of Automatic Stay" - any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" - a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Petition in Bankruptcy" - a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Schedule A-3" - Schedule of Liabilities.

"Termination of Suspension" - a suspension which has ended.

"Trustee Report of No Assets" - a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

- b) If a debtor's driving privileges have been or will be suspended because of an unsatisfied judgment or accident pursuant to Section 7-201 ~~of the Illinois~~ of the Illinois Safety Responsibility Law of the Illinois Vehicle Code ~~(711 R.S. 1991, Ch. 1/2, par. 7-201)~~ (711 R.S. 1991, Ch. 1/2, par. 7-201), proper notice to the Department

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shall result in termination or deletion of the suspension from the driving record. Proper notice shall consist of, but not be limited to, one of the following:

- 1) Petition in Bankruptcy
- 2) Notice of Meeting of Creditors
- 3) Schedule A-3 or Schedule of Creditors
- 4) Trustee Report of No Assets
- 5) Discharge in Bankruptcy
- 6) Notice of Automatic Stay
- 7) Chapter 13 Wage Earner Plan

- c) Any evidence documenting an event prior in time to actual discharge shall be used by the Department to confirm a discharge in bankruptcy has occurred.
- d) The suspension shall be terminated and the file closed as of the date the Department receives proper notice. If proper notice is received prior to the suspension date, the pending suspension will be deleted from the driving record.
- e) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.
- f) A suspension because of an unsatisfied judgment or accident pursuant to Section 7-201 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code which has been rescinded pursuant to this Section shall be reinstated when:

- 1) the Petition in Bankruptcy has been dismissed; or
- 2) the United States Bankruptcy Court orders the debt nondischargeable; or
- 3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended (11 U.S.C. Section 523(a) and Bankruptcy Rule 4007).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 28 1994)

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- 1) Heading of the Part: Medical Payment

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Number: Emergency Action:

140.413 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13], and Public Law 103-112.
- 5) Effective Date of Amendments: July 1, 1994
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: July 1, 1994

- 8) Reason for Emergency: These emergency amendments are necessary to implement requirements imposed by recent revisions to the Hyde Amendment contained in Public Law 103-112, the appropriations bill for the Department of Health and Human Services. According to the interpretation of these changes by the Health Care Financing Administration (HCFA), Medicaid coverage shall be provided for the termination of pregnancies resulting from rape or incest. Currently, only abortions necessary to preserve the life of the mother can qualify for Medicaid coverage. Therefore, emergency rulemaking is necessary to maintain compliance with federal interpretation of the Hyde Amendment.

- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department of Public Aid's rules concerning medical payment and limitation on physician services, are intended to implement federal requirements imposed by recent revisions to the Hyde Amendment. According to the interpretation of these changes by the Health Care Financing Administration (HCFA), Medicaid coverage shall be provided for the termination of pregnancies resulting from rape or incest, as reported by the recipient. Currently, Section 140.413 specifies that only abortions necessary to preserve the life of the mother can qualify for Medicaid coverage. Therefore, this rulemaking is necessary to maintain compliance with federal interpretation of the Hyde Amendment.

Other changes are being made to Section 140.413 to remove outdated and duplicative language.

It is anticipated that implementation of these amendments will not result in any substantive increase in Department spending for abortion services. However, the actual economic impact of these amendments is unknown.

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## NOTICE OF EMERGENCY AMENDMENTS

## 10) Are there any Proposed Amendments pending to this Part? Yes

## Sections Proposed Action Illinois Register Citation

140.24	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.27	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.514	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.530	Amendment	March 18, 1994 (18 Ill. Reg. 4077)
140.538	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.850	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.855	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.860	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.865	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.870	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.875	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.880	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.885	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.890	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.895	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140. Table K	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140. Table L	Repeal	June 24, 1994 (18 Ill. Reg. 9296)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims



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140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

140.203 Limits on Length of Stay by Diagnosis (Recodified)

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

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140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

140.418 Department of Corrections Laboratory

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140.421 Limitations on Dental Services

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140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

140.27 Assignment of Vendor Payments

140.28 Record Requirements for Medical Providers

140.30 Audits

140.31 Emergency Services Audits

140.32 Prohibition on Participation, and Special Permission for Participation

140.33 Publication of List of Terminated, Suspended or Barred Entities

140.35 False Reporting and Other Fraudulent Activities

140.40 Prior Approval for Medical Services or Items

140.41 Prior Approval in Cases of Emergency

140.42 Limitation on Prior Approval

140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

140.72 Drug Manual (Recodified)

140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section

140.80 Hospital Provider Fund

140.82 Developmentally Disabled Care Provider Fund

140.84 Long Term Care Provider Fund

140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

140.95 Hospital Services Trust Fund

140.96 General Requirements (Recodified)

140.97 Special Requirements (Recodified)

140.98 Covered Hospital Services (Recodified)

140.99 Hospital Services Not Covered (Recodified)

140.100 Limitation On Hospital Services (Recodified)

140.101 Transplants (Recodified)

140.102 Heart Transplants (Recodified)

140.103 Liver Transplants (Recodified)

140.104 Bone Marrow Transplants (Recodified)

140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)

140.117 Hospital Outpatient and Clinic Services (Recodified)

140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

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140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy  
Items - Dentists

140.425 Podiatry Services

140.426 Limitations on Podiatry Services

140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items -  
Podiatry

140.428 Chiropractic Services

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140.440 Pharmacy Services

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140.442 Prior Approval of Prescriptions

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140.444 Compounded Prescriptions

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140.447 Reimbursement

140.448 Returned Pharmacy Items

140.449 Payment of Pharmacy Items

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140.454 Types of Mental Health Clinic Services

140.455 Payment for Mental Health Clinic Services

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140.458 Prior Approval for Therapy Services

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140.460 Clinic Services

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140.503 Cessation of Payment for Improper Level of Care

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140.507 Continuation of Provider Agreement

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## SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

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140.907 Midnight Census Report (Recodified)  
140.908 Times and Staff Levels (Recodified)  
140.909 Statewide Rates (Recodified)  
140.910 Referrals (Recodified)  
140.911 Basic Rehabilitation Aide Training Program (Recodified)  
140.912 Interim Nursing Rates (Recodified)  
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140.924 Provider Participation Requirements  
140.926 Client Eligibility  
140.928 Client Enrollment and Program Components  
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT  
EQUITY (ICARE) PROGRAM

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Program (Recodified)  
140.942 Definition of Terms (Recodified)  
140.944 Notification of Negotiations (Recodified)  
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140.952 Closing an ICARE Area (Recodified)  
140.954 Administrative Review (Recodified)  
140.956 Payments to Contracting Hospitals (Recodified)  
140.958 Admitting and Clinical Privileges (Recodified)  
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals  
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140.964 Contract Monitoring (Recodified)  
140.966 Transfer of Recipients (Recodified)  
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140.980 Elimination Of Aid To The Medically Indigent (AMI) Program  
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140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And  
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act  
(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3]  
and implementing and authorized by Articles III, IV, V, VI, VII and Section  
12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1  
et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305  
ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule  
repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982;  
emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum  
of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended  
at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308,  
effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983;  
emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum  
of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at  
7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868,  
effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047,  
effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December  
21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency  
amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150  
days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective  
February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984;  
amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg.  
6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16,  
1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a  
maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984;  
amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8

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Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22155, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7654, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11

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Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19734, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days;



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emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at

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16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18132, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.413 Limitation on Physician Services  
EMERGENCY

- a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:
- 1) Termination of pregnancy -- only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother or is performed to end a pregnancy which, as reported by the recipient, resulted from rape or incest. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification which specifies that the procedure is necessary for preservation of the life of the woman, or that the recipient reported that the pregnancy was the result of rape or incest induced-premature-birth-was-to-produce-a-live-viable-child-and was-necessary-for-the-health-of-mother-or-her-unborn-child.

- 2) Sterilization



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 140.413(a)(2) (continued)

- A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury in respect to this procedure.
- B) Nontherapeutic sterilization -- only for recipients age 21 or older. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.
- 3) End stage renal disease treatment (chronic hemodialysis and kidney transplantation) is limited to those recipients who have been determined medically eligible for such treatment by the Illinois Department of Public Health.
- 4) By-pass surgery for morbid obesity -- only with the prior approval of the Department. The Department shall approve payment for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)
- 5) Psychiatric Services
  - A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered services for Recipients of General Assistance or Aid to the Medically Indigent.
  - B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.

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## NOTICE OF EMERGENCY AMENDMENTS

## Section 140.413(a) (continued)

- 6) Services provided to a recipient in his place of residence -- only when the recipient is physically unable to go to the physician's office.
- 7) Services provided to recipients in group care facilities by a physician other than the attending physician -- only emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.
- 8) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.
- 9) Maternity care -- Payment shall be made for pre-natal and post-natal care only when the following conditions are met:
  - A) the physician, whether based in a hospital, clinic, or individual practice, retains hospital delivery privileges or maintains a written referral arrangement with another physician who retains such privileges or has entered into an appropriate Healthy Moms/Healthy Kids Program provider agreement or receives payment authorization for referral from the Department's independent contractor, as described in Sections 140.928(a)(7) and 140.932(a);
  - B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and
  - C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric-Gynecologic Services" (1989 Edition), 409 12th Street, S.W., Washington, D.C. 20024-2188.
- 10) Physician services to children under age twenty-one
  - A) Payment shall be made only when the physician meets one or more of the following conditions. The physician:
    - 1) is a physician who is licensed to practice medicine in the State of Illinois;
    - 2) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Medical Association;
    - 3) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Pediatrics;
    - 4) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American College of Obstetricians and Gynecologists;
    - 5) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry;
    - 6) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry and the American College of Obstetricians and Gynecologists;
    - 7) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry and the American Academy of Child and Adolescent Psychiatry and the American College of Obstetricians and Gynecologists;
    - 8) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry and the American Academy of Child and Adolescent Psychiatry and the American College of Obstetricians and Gynecologists;
    - 9) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry and the American Academy of Child and Adolescent Psychiatry and the American College of Obstetricians and Gynecologists;
    - 10) is a physician who is licensed to practice medicine in the State of Illinois and is a member of the American Academy of Child and Adolescent Psychiatry and the American Academy of Child and Adolescent Psychiatry and the American College of Obstetricians and Gynecologists;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 140.413(a)(10)(A) (continued)

- i) has admitting privileges at a hospital; or
  - ii) is certified or is eligible for certification in pediatrics or family practice by the medical specialty board recognized by the American Board of Medical Specialties; or
  - iii) is employed by or affiliated with a Federally Qualified Health Center; or
  - iv) is a member of the National Health Service Corps; or
  - v) has been certified by the Secretary of the Department of Health and Human Services as qualified to provide physicians' services to a child under 21 years of age; or
  - vi) has current, formal consultation and referral arrangements with a pediatrician or family practitioner for the purposes of specialized treatment and admission to a hospital. The written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; or
  - vii) has entered into a Healthy Moms/Healthy Kids Program provider agreement or receives payment authorization for referral from the Department's independent contractor described in Sections 140.928(a)(7) and 140.932(a).
- B) The physician should notify the Department of the way in which he/she meets the above criteria; and
- C) Services to children are delivered in a manner consistent with the standards of the American Academy of Pediatrics and rules as published by the Illinois Department of Public Health (77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examinations; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening).
- 11) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 140.413(a)(11) (continued)

signed a written acknowledgement of receipt of the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

## 12) Selected surgical procedures

- A) Tonsillectomies or Adenoidectomies
- B) Hemorrhoidectomies
- C) Cholecystectomies
- D) Disc Surgery/Spinal Fusion
- E) Hysterectomies
- F) Joint Cartilage Surgery/Meniscectomies
- G) Excision of Varicose Veins
- H) Submucous Resection/Rhinoplasty/Repair of Nasal System
- I) Mastectomies for Non-Malignancies
- J) Surgical procedures which generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

## 13) Mammography screening

- A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.413(a)(13)(A) (continued)

- i) a baseline mammogram for women 35 through 39 years of age;
- ii) a mammogram every one to two years for women 40 through 49 years of age; or
- iii) a mammogram once per year for women 50 years of age or older.

B) As used in this rule, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six (6) months after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF CORRECTIONS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers:

140.865  
140.870

Proposed Action:

Amendment  
Amendment

4) Date Notice of Proposed Amendments Published in the Illinois Register:

March 25, 1994 (18 Ill. Reg. 4597)

5) Corrections Being Made:

The Department proposed amendments to Sections 140.865 and 140.870 on March 25, 1994, at 18 Ill. Reg. 4597. These amendments addressed the Department's Medicaid Partnership Program. The Notice of Proposed Amendments also included amendments to Sections 140.440, 140.442, and 140.443, which concerned the Department's drug coverage policies.

On June 10, 1994, at 18 Ill. Reg. 8730, an improper Notice of Withdrawal of Proposed Amendments was published. While indicating the Department's intent to withdraw the proposed amendments to Sections 140.865 and 140.870, the Notice of Withdrawal of Proposed Amendments did not include the other amendments to other Sections which were included in the Notice of Proposed Amendments.

On that basis, the Notice of Withdrawal of Proposed Amendments was improper and was published incorrectly. This Notice of Corrections is intended to correct the inadvertent publication of that Notice of Withdrawal of Proposed Amendments.

The Department does not intend to adopt the changes proposed in Sections 140.865 and 140.870. Those changes will be deleted from the second notice that will be submitted to the Joint Committee on Administrative Rules. However, the Department does intend to proceed with the changes proposed in Sections 140.440, 140.442, and 140.443.



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF EXPEDITED CORRECTIONS

- 1) The Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations
- 2) The Code Citation: 32 Ill. Adm. Code 350
- 3) Section Number:  
350.2030 Adopted Action:  
Expedited Correction
- 4) Date Proposal Published in Illinois Register: August 27, 1993, 17 Ill. Reg. 13882
- 5) Date Adoption Published in Illinois Register: May 13, 1994, 18 Ill. Reg. 7263
- 6) Date Request for Expedited Correction Published in Illinois Register:  
18 Ill. Reg. 8956, June 17, 1994
- 7) Adopted Effective Date: May 2, 1994
- 8) Correction Effective Date: May 2, 1994
- 9) Reason for Approval of Expedited Correction:

Amendments to Section 350.2030(e)(2) and (e)(3) which were proposed August 27, 1993, 17 Ill. Reg. 13882 were adopted effective May 2, 1994. The Notice of Adopted Amendments was published on May 13, 1994, 18 Ill. Reg. 7263. The published rule indicated that subsection (e) was being added. However, a word processing error resulted in a typographical error in the word "preset" and the text of this subsection filed with the Administrative Code indicated that this word had been changed to the word "present"

  
Thomas W. Ortogier  
Director  
6/23/94  
Date

The full text of the corrected rule(s) begins on the following page:

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF EXPEDITED CORRECTION

TITLE 32: ENERGY  
CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTIONS

PART 350  
RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

SUBPART A: GENERAL PROVISIONS

Section	
350.10	Purpose
350.20	Scope
350.25	Incorporations by Reference
350.30	Definitions
350.40	Exemptions
350.50	Receipt, Transfer and Disposal of Sources of Radiation

SUBPART B: EQUIPMENT CONTROL

Section	
350.1000	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1005	Requirements for Radiography Equipment Using Radiation Machines
350.1010	Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1020	Locking of Sources of Radiation
350.1030	Permanent Storage Precautions
350.1040	Radiation Survey Instruments
350.1050	Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1060	Quarterly Inventory
350.1070	Utilization Logs
350.1080	Inspection and Maintenance
350.1090	Permanent Radiographic Installations

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS

Section	
350.2010	Training and Testing
350.2020	Operating and Emergency Procedures
350.2030	Personnel Monitoring Control
350.2040	Supervision of Radiographers' Assistants

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section	
350.3010	Access Control and Security
350.3020	Posting

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EXPEDITED CORRECTION

- 350.3030 Radiation Surveys and Survey Records  
 350.3040 Records Required at Temporary Job Sites  
 350.3045 Operating Requirements  
 350.3048 Notification of Incidents  
 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems  
 350.3060 Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)  
 350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)  
 350.3080 Special Requirements for Mobile or Portable Radiation Machines (Repealed)  
 350.3090 Special Requirements for Underwater and Lay-Barge Radiography  
 350.4000 Prohibitions  
 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations  
 350.4020 Radiation Safety Officer  
 350.4030 Reciprocity.

- APPENDIX A Subjects to be Covered During the Instruction of Radiographers  
 APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment  
 APPENDIX C Retention Requirements for Records

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 210-1 et seq.) [420 ILCS 40].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg. 7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective May 2, 1994.

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR  
 RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS

Section 350.2030 Personnel Monitoring Control

- a) The licensee or registrant shall not permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket ionization chamber (i.e., pocket dosimeter) and either a film badge or a thermoluminescent dosimeter (TLD). Each film badge or TLD shall be assigned to and worn by only one individual.  
 b) Pocket ionization chambers (i.e., pocket dosimeters) shall meet the criteria in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EXPEDITED CORRECTION

Radiation" published 1972, exclusive of subsequent amendments or editions.

- c) The use of pocket ionization chambers (i.e., pocket dosimeters) is subject to the following requirements:

- 1) Pocket ionization chambers shall be recharged at least daily or at least at the start of each work shift;
  - 2) Pocket ionization chambers shall be read and exposures recorded at least at the beginning and end of each worker's shift involving the use of a source of radiation;
  - 3) Pocket ionization chambers shall be checked for correct response to radiation at periods not to exceed 1 year. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure. Records of pocket ionization chamber (i.e., pocket dosimeter) calibrations shall be maintained for inspection by the Department for 5 years; and
  - 4) If an individual's pocket ionization chamber is discharged beyond its range (i.e., goes "off-scale"), industrial radiographic operations by that individual shall cease immediately and the individual's film badge or TLD shall be sent immediately for processing. The individual shall not use sources of radiation until the individual's radiation dose has been determined.
- d) Reports received from the film badge or TLD processor and records of daily pocket ionization chamber (i.e., pocket dosimeter) readings shall be kept for inspection by the Department until the radioactive material license or certificate of registration is terminated or until the Department authorizes their disposition, in writing, following a determination by the Department that the records contain inaccurate personnel monitoring information.
- e) In addition to other requirements of this Section, each individual performing radiography with sealed sources shall wear an alarm ratemeter. Each alarm ratemeter shall:
- 1) Be checked prior to use at the start of each shift to ensure that the alarm functions properly (sounds);
  - 2) Be set to give an alarm signal at a present preset dose rate of 5mSv (500 mrem) per hour or less;
  - 3) Require special means to change the present preset alarm function; and
  - 4) Be calibrated, at periods not to exceed 1 year, for correct response to radiation. Ratemeters shall alarm within plus or minus 20 percent of the true radiation dose rate. Records of alarm ratemeter calibrations shall be maintained for inspection by the Department for 5 years.
- f) The alarm ratemeter shall be used in addition to, and not as a substitute for, the portable survey instrument required by Section 350.3030. The alarm ratemeter is intended to provide additional assurance that the radiation exposure levels are within regulatory limits.

(Source: Expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective May

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EXPEDITED CORRECTION

2, 1994)

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Health Facilities Planning Procedural Rules

2) Code Citation:

77 Ill. Adm. Code 1130

3) Register Citation to Notice of Proposed Rules:

18 Ill. Reg. 8867 (June 17, 1994)

4) Date, Time and Location of Public Hearing:

July 27, 1994  
1:30 p.m.  
Holiday Inn Mart Plaza  
350 North Orleans  
Chicago, Illinois 60654

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department/State Board will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Office may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.



## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6. Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Narrative and Planning Policies

2) Code Citation:

77 Ill. Adm. Code 1100

3) Register Citation to Notice of Proposed Rules:

18 Ill. Reg. 9355 (June 24, 1994)

4) Date, Time and Location of Public Hearing:

July 27, 1994  
2:30 p.m.  
Holiday Inn Mart Plaza  
350 North Orleans  
Chicago, Illinois 60654

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department/State Board will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
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DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD  
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6. Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD  
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Register Citation to Notice of Proposed Rules:

18 Ill. Reg. 9364 (June 24, 1994)

4) Date, Time and Location of Public Hearing:

July 27, 1994  
2:30 p.m.  
Holiday Inn Mart Plaza  
350 North Orleans  
Chicago, Illinois 60654

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department/State Board will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
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## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6. Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION  
THE BANK OF TOKYO, LTD., TOKYO, JAPAN  
TO ACQUIRE THE CHICAGO-TOKYO BANK, CHICAGO, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by The Bank of Tokyo, Ltd., Tokyo, Japan, to acquire The Chicago-Tokyo Bank, 40 N. Dearborn, Chicago, Illinois, 60602.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour  
Commissioner of Banks and Trust Companies  
310 South Michigan Ave.  
Suite 2130  
Chicago, Illinois 60604



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PROPOSED SETTLEMENT

PEOPLE V. BURLINGTON NORTHERN RAILROAD COMPANY et al.

You are hereby notified that Illinois Attorney General, Roland W. Burris, on behalf of the Illinois Environmental Protection Agency (IEPA), has reached a proposed settlement agreement with Beazer East, Inc. ("Beazer"), the Burlington Northern Railroad Company ("BN"), and Koppers Industries, Inc. ("KII") regarding the wood treatment plant located on Illinois Route 41, Galesburg, Illinois. The proposed settlement will result in an order directing Beazer, BN, and KII, to implement and complete remedial actions selected by IEPA and to reimburse costs incurred for response, remedial and investigative activities undertaken by the State of Illinois as a result of the release or threatened release of hazardous substances at and around the site.

## PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9601, et seq., you have thirty (30) days from the date of this Notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may review a copy of the proposed settlement at the Galesburg Public Library (40 E. Simmons, Galesburg, Illinois) or obtain a copy (at no charge) by calling or writing to IEPA's FOIA Officer, Diana Gobelman, at (217) 782-9890, fax: (217) 782-3258, Illinois Environmental Protection Agency, 2200 Churchill Road, Post Office Box 19276, Springfield, Illinois 62794-9276.

You may file written comments relating to the proposed settlement by sending them to:

Mary Gade, Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 19276  
Springfield, IL 62794-9276

Comments received or postmarked within thirty (30) days from the date of this notice shall be considered.

Mary Gade, Director  
Illinois Environmental Protection Agency

James L. Morgan  
Assistant Attorney General  
Environmental Control Division

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: Ill. Rev. Stat. 1991, ch. 127, par. 2001 (20 ILCS 2515/1)

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the First Quarter of 1994. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturing Machinery & Equipment
Agricultural Producers and Products	Medical Appliances
Assessments	Miscellaneous
Automobile Renting Tax	Motor Fuel Tax
Bingo	Motor Vehicles
Books and Records	Newsprint & Ink
Bulk Sales	Nexus
C.O.A.D.	Nonprofit Institutions
Certificate of Registration	Occasional Sale
Charitable Games	Oil Field Equipment
Cigarette Tax	Penalties
Claims for Credit	Pollution Control Facilities
Coal Fueled Devices	Prepaid Sales Tax
Coal Mining Equipment	Products of Photoprocessing
Coins and Precious Metals	Property Tax

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Computer Software  
Construction Contractors  
Cooperative Associations  
Delivery Charges  
Distillation Machinery  
Drug Tax Stamps  
Drugs  
Enterprise Zones  
Exempt Organizations  
Farm Machinery & Equipment  
Federal Excise Tax  
Financial Institutions  
Food  
Food, Drugs & Medical Appliances  
Governmental Bodies  
Graphic Arts  
Gross Receipts  
Hotel Operators' Tax  
Interest  
Interstate Commerce  
Itinerant Vendors  
Invested Capital Tax  
Leasing  
Liquor Tax  
Local Taxes  
Mandatory Service Charges  
Manufacturers

Public Utility Taxes  
Real Estate Transfer Tax  
Repairs  
Replacement Vehicle Tax  
Returns  
Rolling Stock Exemption  
Sale at Retail  
Sale for Resale  
Sale of Service  
Signature  
Special Order  
Statute of Limitations  
Tax Collection  
Tax Increment Financing  
Tax Rate  
Telecommunications Excise Tax  
Temporary Storage  
Tire User Fee  
Trade-Ins  
Use Tax  
Vehicle Use Tax  
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

## 3. Name and address of person to contact concerning this information:

Margaret Forth  
Office of General Counsel  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1994 FIRST QUARTER SUNSHINE INDEX

## AUTOMOBILE RENTING TAX

94-0025 01/13/1994 The provisions of the Automobile Renting Occupation and Use Tax Act state that the receipts subject to tax do not include "a separately stated charge for ... recovery of refueling costs or other separately stated charges which are not for the use of tangible personal property." Consequently, to the extent that separately stated transaction fees are representative of recovery of refueling costs, they will not be subject to tax. (This is a GIL.)

## CHARITABLE GAMES

94-0076 03/30/1994 (This is a GIL.) Section 8 (12) of the Charitable Games Act specifies that "[r]affles or other forms of gambling prohibited by law shall not be conducted on the premises where charitable games are being conducted." Consequently, unless a raffle has been authorized by the unit of government having jurisdiction over raffles, or unless the Department has granted an organization a license to conduct bingo at that location and date, conducting of such games constitutes a violation of the Charitable Games Act, and possibly the offense of gambling.

## CONSTRUCTION CONTRACTORS

94-0002 01/03/1994 Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions or organizations, ... or for incorporation into real estate owned by governmental bodies, are exempt from Retailers' Occupation Tax and Use Tax. (This is a GIL.)

94-0008 01/05/1994 In a construction contract transaction, the contractor will incorporate tangible personal property into real property. In doing so, the construction contractor becomes the end user of the property incorporated into the realty and consequently incurs Use Tax based upon his cost price of the materials purchased. No tax is due from the customer under the construction contract because the Use Tax liability is incurred by the contractor. (This is a GIL.)

94-0010 01/10/1994 In Illinois, anyone who purchases items of tangible personal property for physical incorporation into real estate is deemed to be the end user of those items. (This is a GIL.)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1994 FIRST QUARTER SUNSHINE INDEX

94-0042 \$1.25 02/10/1994 (This is a GIL.) Cementing or otherwise permanently affixing carpeting to realty constitutes a construction contract situation. Tacking carpeting constitutes a retail situation.

94-0049 \$1.25 02/14/1994 (This is a GIL.) This letter describes in, very general terms, the situations in which construction contractors function as users and retailers.

94-0068 \$1.00 03/22/1994 (This is a PLR.) Although this regulation does not provide specific exemption from Retailers' Occupation Tax for the situation described in this letter, it is within the spirit and intent of the regulation to permit exemption where property will be incorporated into real property owned by a government entity.

94-0069 \$1.00 03/28/1994 (This is a GIL.) Tangible personal property which will be physically incorporated into public improvements, the ownership of which is required to be conveyed to a unit of local government pursuant to a pre-development transfer requirement, are exempt from Retailers' Occupation Tax and Use Tax. To claim the exemption, the contractor must provide his supplier with the exemption number of the governmental unit to which the public improvements will be transferred upon completion.

## DRUGS

94-0052 \$1.75 02/24/1994 (This is a GIL.) If a pill, powder, potion, salve, or other preparation is intended by the manufacturer for human use and purports on the label to have medicinal qualities, it is considered to be a drug and is subject to the low rate of tax. Drugs are not exempt from tax in Illinois.

## ENTERPRISE ZONES

94-0029 \$1.25 01/20/1994 This letter describes the requirements that must be met in order for the enterprise zone building materials exemption can be claimed. (This is a GIL.)

94-0045 \$1.25 02/14/1994 (This is a GIL.) This letter explains which items being purchased for inclusion in a hotel, might qualify for the enterprise zone building materials exemption. The letter discusses the taxation of washers, dryers, wall mounted pictures and lamps, framed mirrors, headboards, room signage, and ice machines.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1994 FIRST QUARTER SUNSHINE INDEX

94-0062 \$1.25 03/17/1994 (This is a GIL.) In order for a sale to be exempt from tax under the EZ building materials exemption, the retailer of the qualifying building materials must be located in the municipality or in the unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated.

94-0073 \$1.00 03/28/1994 (This is a GIL.) In order to qualify for the exemption, qualifying building materials must be purchased from a retailer located in the jurisdiction that created the enterprise zone into which the building materials will be incorporated.

## EXEMPT ORGANIZATIONS

94-0011 \$1.00 01/06/1994 Contractors making purchases of materials under a construction contract with an exempt government entity for incorporation into property owned by the government entity may also purchase free from tax by giving a proper certification. This exemption and certification is described at 86 Ill. Adm. 130.2075(d). (This is a GIL.)

94-0018 \$1.25 01/10/1994 Contractors purchasing building materials for incorporation into real estate owned by a governmental unit can claim exemption under 86 Ill. Adm. Code Section 130.2075(d). (This is a GIL.)

94-0028 \$1.00 01/18/1994 Purchases of personal items by firemen cannot be made tax-free with a fire district's sales tax exemption identification number. (This is a GIL.)

94-0060 \$1.00 03/01/1994 (This is a GIL.) Teachers may not use their school's sales tax exemption identification number to make personal purchases.

## FARM MACHINERY AND EQUIPMENT

94-0030 \$1.25 01/20/1994 Primary use (use over 50% of the time) of wagons to move grain from the fields to a storage bin on a farm can qualify for the farm machinery and equipment exemption. Use of the wagons to take grain to off-farm, commercial storage, however, is not a qualifying use. (This is a GIL.)



## DEPARTMENT OF REVENUE

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## FOOD

03/30/1994 (This is a GIL.) If the majority - over 50 percent - of all a business' food sales are bulk sales, the low rate applies to all sales of food (except for hot food, and for non-food items such as alcoholic beverages and soft drinks). If the store provides on-premises dining facilities, however, the store will incur the high rate on all food items (even those that are bulk) UNLESS the dining facilities are physically separated from the other areas AND the retailer utilizes a separate means of recording the receipts from on-premises consumption from other sales.

94-0078  
\$1.25

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

02/14/1994 (This is a GIL.) A drug is any "pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities." Drugs are subject to tax at a low preferential rate of 1 percent (some limited local taxes may also apply).

94-0048  
\$1.25

## GROSS RECEIPTS

02/14/1994 (This is a GIL.) This letter describes a variety of charges imposed by retailers which are included in the gross receipts from sales which are subject to Retailers' Occupation Tax.

94-0046  
\$1.50

## LEASING

01/06/1994 Automobile lessors purchasing cars for lease under true leases owe Use Tax up front on the cost price of the car. If that lessor sells the car with terms in excess of one year upon termination of the lease, he owes Retailers' Occupation Tax on that sale. (This is a GIL.)

94-0010  
\$1.25

01/13/1994 For purposes of the Illinois sales tax laws, "leases" that contain a \$1 purchase option at the end of the lease are actually conditional sales agreements, and tax is due on the gross receipts from sale. If the receipts are received monthly, then tax is due on each month's receipts. (This is a GIL.)

94-0026  
\$1.25

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94-0050  
\$1.75

02/15/1994 (This is a GIL.) This letter describes the Illinois sales tax consequences of leasing as opposed to conditional sales.

94-0064  
\$1.25

03/17/1994 (This is a GIL.) In Illinois, lessors are considered to be the end users of the items which they purchase for leasing purposes and consequently owe Use Tax "up front" on those items. See the enclosed copy of Section 130.2010. The Use Tax is due by the end of the month next following the month in which the equipment was brought into Illinois.

94-0065  
\$1.00

03/17/1994 (This is a GIL.) Conditional sales agreements often provide that the purchaser will make all required payments and at the end of the term, may purchase the equipment for a nominal amount. The term, "nominal amount," as used in this situation, indicates any price less than fair market value. That is, if the equipment, at the end of the lease term, can be purchased by the lessee for an amount that is less than the fair market value of the equipment at that time, the contract is deemed to be a conditional sales agreement.

## LOCAL TAXES

94-0017  
\$1.25

01/10/1994 An Illinois retailer is required by statute to collect the corresponding 6.25% Use Tax liability from its customer, and is authorized by statute to reimburse itself for locally imposed taxes. (See, for example, 65 ILCS 5/8-11-1, (1992 State Bar Edition), which allows a retailer to reimburse himself for Home Rule Municipal Retailers' Occupation Tax incurred under the Act.) The result is that a customer incurs tax in an amount equivalent to the tax incurred by the retailer. This amount should be paid directly to the retailer. (This is a GIL.)

94-0072  
\$1.25

03/28/1994 (This is a GIL.) The provisions of the Municipal Code authorizing the Soft Drink Tax impose the tax upon the retailer, and authorize, but do not require, that the retailer collect reimbursement from the customer for his tax liability.

## MANUFACTURING MACHINERY AND EQUIPMENT

94-0013  
\$1.25

01/06/1994 Abrasive media used at a manufacturing station to polish or etch items being manufactured, can qualify for the manufacturing machinery and equipment exemption. From the information supplied it appears that the chemical abrasives and

## DEPARTMENT OF REVENUE

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the ceramic polishing media can qualify for the manufacturing machinery and equipment exemption. (This is a GIL.)

94-0023  
\$1.25

01/10/1994 Industrial gases, such as oxygen, acetylene and carbon dioxide, used in manufacturing processes, including standard gas welding and brazing processes, are considered to be consumable supplies and do not qualify for the manufacturing machinery and equipment exemption. (This is a GIL.)

94-0024  
\$1.25

01/11/1994 Computers used primarily in computer-assisted manufacture or design systems, can qualify for the manufacturing machinery and equipment exemption so long as all requirements of the exemption are met. (This is a GIL.)

94-0035  
\$1.25

01/31/1994 Machinery, equipment, and computers used to change the size or shape of paper can qualify for the manufacturing machinery and equipment exemption. (This is a GIL.)

94-0056  
\$1.25

02/24/1994 (This is a GIL.) Ovens used by a manufacturer to bake loaves of bread may qualify for the manufacturing machinery and equipment exemption so long as all requirements of the exemption are satisfied.

94-0070  
\$1.25

03/28/1994 (This is a GIL.) Source pencils, which consist of stainless steel tubes which contain zirconium tubes encapsulating cobalt-60, which are used to irradiate products which will subsequently be sold, constitute exempt manufacturing machinery and equipment. These pencils, which are taken out of a protective pool of water and exposed to the product, effect a substantial change on the product by killing any micro-organisms present on that product.

94-0071  
\$1.00

03/28/1994 (This is a GIL.) Section 130.330 governs the taxation of machinery and equipment used in a manufacturing process.

## MEDICAL APPLIANCES

94-0058  
\$1.00

02/24/1994 (This is a GIL.) Only those items which are intended by the manufacturer to directly substitute for a malfunctioning part of the human body qualify as medical appliances. Orthopedic shoes can qualify as medical appliances.

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## MISCELLANEOUS

94-0031  
\$1.00

01/26/1994 Intangibles, such as tickets which grant the purchaser the right to participate in events, are not subject to sales taxes. A phone debit card sold by someone not engaged in the business of selling telecommunications at retail, which allows the purchaser to make a set dollar-amount of calls, is an intangible which is not subject to Retailers' Occupation Tax or Use Tax. (This is a GIL.)

94-0051  
\$2.75

02/17/1994 (This is a GIL.) General Survey response.

## MOTOR FUEL TAX

94-0054  
\$1.50

02/24/1994 (This is a GIL.) A car manufacturer (not licensed as a motor fuel distributor, receiver or bulk user) that accepts delivery of motor fuel into an underground storage facility must pay its supplier Motor Fuel Tax on the motor fuel received.

94-0055  
\$1.25

02/24/1994 (This is a GIL.) Licensed suppliers that use portions of their own fuel for non-highway purposes are required by section 6a of the motor fuel tax law to pay tax on such fuel, and then apply for a refund for the tax paid on such fuel used for non-highway purposes.

94-0063  
\$1.25

03/17/1994 (This is a GIL.) Claims for refund for off-road or non-road usage cannot be estimated. The provisions of 86 Ill. Adm. Code 500.180 state that "[t]he Department will not approve claims for refund of Motor Fuel Tax where such claims are based upon a showing that part of such motor fuel was used for a taxable purpose, and that the part for which refund is claimed cannot, as a practical matter, be definitely and exactly calculated and itemized, but can only be estimated....Only claims which are supported by positive proof of the exact amount of motor fuel not used for a taxable purpose will be approved."

## NEWSPRINT AND INK

94-0006  
\$1.25

01/05/1994 The Newspaper and Ink exemption available for newspapers and magazines is an exemption for news and information conveyed by means of a specific medium, paper and ink. The exemption is not extended to other types of media such as film, microforms, and CD-Rom. (This is a GIL.)

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- 94-0014 \$1.00 01/07/1994 This letter advises that a publication called Xxxx qualifies as a magazine and is eligible for the exemption available to newsprint and ink. (This is a GIL.)
- 94-0037 \$1.00 02/01/1994 (This is a GIL.) In order to be considered "newsprint and ink" that is exempt from tax, a periodical must be published at least two times a year and possess attributes of a magazine. These factors would include, for instance, the ability to subscribe to the magazine, whether the magazine contains general advertising and information of value to the general public, and whether it has a magazine format, such as a soft cover, an index and individual pages.

## NEXUS

- 94-0015 \$1.25 01/07/1994 This letter describes the contacts which are sufficient to require an out-of-State seller to register as an Illinois Use Tax collector. (This is a GIL.)
- 94-0074 \$1.00 03/28/1994 (This is a GIL.) This letter describes the types of nexus which are required to trigger Use Tax collection responsibilities.

## OCCASIONAL SALE

- 94-0032 \$1.25 01/26/1994 If a manufacturer is not in the business of selling manufacturing equipment, but disposes of manufacturing equipment which he no longer uses in his manufacturing process, the sale would be exempt from Retailers' Occupation Tax as an occasional sale. (This is a GIL.)
- 94-0040 \$1.00 02/02/1994 (This is a GIL.) The regulation related to isolated or occasional sales is set out at 86 Ill. Adm. Code Section 130.310.

## POLLUTION CONTROL FACILITIES

- 94-0007 \$1.00 01/05/1994 Bulldozers and graders used in the daily cover of sanitary waste at a landfill site can qualify for the pollution control facilities exemption. (This is a GIL.)
- 94-0061 \$1.00 03/07/1994 (This is a GIL.) Xxxx wastewater treatment plant can qualify as a pollution control facility.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1994 FIRST QUARTER SUNSHINE INDEX

- 94-0067 \$1.25 03/21/1994 (This is a GIL.) Poly sheeting, sealing tape, caulk and "glove bags" that are used to construct a sealed work area during asbestos removal and to dispose of asbestos qualify as pollution control facilities, because these items are used to reduce air pollution by preventing the spread of harmful asbestos fibers and to directly dispose of harmful pollutants. Items such as respirators and worker protective clothing do not actually reduce air pollution or dispose of harmful pollutants and thus do not qualify for the exemption.
- 94-0081 \$1.25 03/31/1994 (This is a GIL.) A containment building that is constructed primarily to prevent the release of the air and water therein, which is contaminated, can qualify for the pollution control facilities exemption. By containing the polluting radioactive matter, the building prevents air and water pollution.
- 94-0082 \$1.00 03/31/1994 (This is a PLR.) Flue gas desulfurization system and component subsystems can qualify for the pollution control facilities exemption.

## PRODUCTS OF PHOTOPROCESSING

- 94-0012 \$1.25 01/06/1994 No tax is due from the sale of Polaroid pictures so long as sales tax was paid when the Polaroid film was purchased. (This is a GIL.)

## REPLACEMENT VEHICLE TAX

- 94-0066 \$1.00 03/21/1994 (This is a GIL.) The provisions of this Section of the Vehicle Code specify that a tax of \$200 is imposed on the purchase of a passenger car by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax applies only to the portion of the purchase price of the replacement vehicle paid by the insurance company in settlement of the total loss claim, but does not include any portion of the insurance payment that exceeds the market value of the total loss vehicle.



## DEPARTMENT OF REVENUE

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## 1994 FIRST QUARTER SUNSHINE INDEX

## ROLLING STOCK EXEMPTION

94-0009 \$1.00 01/05/1994 Lessors of rolling stock can qualify for the rolling stock exemption so long as they have a lease in effect with an interstate carrier for hire and that lease is for one year or more. (This is a GIL.)

94-0038 \$1.25 02/01/1994 (This is a GIL.) In order to be eligible to claim the rolling stock exemption, the carrier must possess an Interstate Commerce Commission Certificate of Authority. If the carrier is not required by law to possess an Interstate Commerce Commission Certificate of Authority, it must be recognized by the Illinois Commerce Commission as an interstate carrier for hire (or, if the carrier is a type of carrier which is regulated by a Federal agency other than the Interstate Commerce Commission, it must include its registration number from that other agency). In addition, the carrier must be able to prove by its books and records that it engages in interstate commerce for hire on a regular and frequent basis.

94-0077 \$1.00 03/30/1994 (This is a GIL.) The rolling stock exemption can be claimed by lessors of common carriers under leases of one year or more.

## SALE AT RETAIL

94-0053 \$2.00 02/24/1994 (This is a GIL.) A consortium of participating airlines formed to represent those airlines in the construction, operation and maintenance of a new terminal, including a hydrant fueling system used to fuel the planes at the terminal, is not liable for Retailers' Occupation Tax on the aviation fuel if it does nothing but charge for the maintenance of the hydrant system used to fuel the planes, and not for the aviation fuel itself.

## SALE FOR RESALE

94-0004 \$1.00 01/04/1994 Sales for resale must be documented by Certificates of Resale containing the information set out at 86 Ill. Adm. Code 130.1405. (This is a GIL.)

94-0005 \$1.00 01/04/1994 Sales of tags to a retailer who will use the tags as price tags on merchandise do not qualify as sales for resale. (This is a GIL.)

## DEPARTMENT OF REVENUE

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## 1994 FIRST QUARTER SUNSHINE INDEX

94-0027 \$1.00 01/18/1994 Blanket certificates of resale are authorized at 86 Ill. Adm. Code Section 130.1405. (This is a GIL.)

94-0044 \$1.75 02/14/1994 (This is a GIL.) When a restaurant purchases items such as paper napkins, plastic utensils, paper or plastic serving containers, and disposable cups, which will be used on-premises in lieu of more durable serving equipment, such items are fully taxable. If, however, a restaurant purchases containers or utensils that will be transferred to customers in to-go orders or deliveries, these items can be purchased tax-free with a Certificate of Resale. Such items are considered to be purchased for resale when they are transferred by the restaurant with the food or beverages being purchased. Paper napkins, paper serving containers, plastic utensils and plastic cups could be purchased for resale under these conditions.

94-0057 \$1.00 02/24/1994 (This is a GIL.) Paint thinner cannot be purchased for resale to the extent that it evaporates and does not become a part of the paint being sold.

## SALE OF SERVICE

94-0016 \$1.25 01/10/1994 This letter describes the application of the Service Occupation Tax Act effective 1/1/93. (This is a GIL.)

94-0033 \$1.25 01/27/1994 Sale of tokens which may be redeemed for dry cleaning and alteration services is the sale of an intangible. However, when the tokens are redeemed at participating dry cleaners, the dry cleaner will incur Service Occupation Tax liability on the sale of service. (This is a GIL.)

94-0034 \$1.25 01/28/1994 This letter describes the methods which can be used by Illinois servicemen to satisfy their obligations under the Service Occupation Tax Act. (This is a GIL.)

94-0041 \$1.25 02/02/1994 (This is a GIL.) Sales of printed forms which are stock/standard forms result in Retailers' Occupation Tax liability.

94-0043 \$1.25 02/14/1994 (This is a GIL.) This letter describes the manner in which servicemen may remit Service Occupation Tax on and after January 1, 1993.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1994 FIRST QUARTER SUNSHINE INDEX

## TELECOMMUNICATIONS EXCISE TAX

94-0079 03/31/1994 (This is a PLR.) An interactive entertainment system which utilizes television programming and telephone lines did not incur Telecommunications Excise Tax liability on its monthly subscription fees.

## TRADE-INS

94-0047 02/14/1994 (This is a GIL.) Section 130.425 provides that a person may reduce the selling price of tangible personal property sold at retail by the value given to traded-in tangible personal property of like kind and character as the property being sold at retail. Two rules to remember in regard to these transactions are: 1) you cannot trade something you don't own; and 2) you cannot trade something to yourself.

## USE TAX

94-0020 01/10/1994 An Illinois retailer incurs Retailers' Occupation Tax liability when making a sale at retail based upon the gross receipts from the sale. The customer incurs a corresponding Use Tax liability in an amount equal to the retailer's sales tax liability and must remit that amount directly to the retailer. However, failure of a customer to remit any amount owed to the retailer does not relieve the retailer of his Retailers' Occupation Tax liability. The proper amount of Retailers' Occupation Tax must be remitted by the retailer unless an appropriate exemption has been documented. The Department does not have the ability to compel a customer to pay a debt owed to a retailer, even where the debt represents an amount equivalent to the tax owed for the retail purchase. A retailer may pursue collection of amounts representing unpaid sales tax as it would any other delinquent payment. (This is a GIL.)

94-0059 02/25/1994 (This is a GIL.) Out-of-State donor incurs Illinois Use Tax liability based upon the cost price of automobile donated as prize to Illinois donee. Automobile cannot be titled and registered until the proper Use Tax liability is paid.

## DEPARTMENT OF REVENUE

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## 1994 FIRST QUARTER SUNSHINE INDEX

94-0080 03/31/1994 (This is a GIL.) In Illinois, persons who provide maintenance agreements do not incur Retailers' Occupation Tax liability when they sell such agreements. However, they incur a Use Tax liability on tangible personal property which is transferred incident to completion of the maintenance agreement.

## VEHICLE USE TAX

94-0075 03/30/1994 (This is a GIL.) In order to transfer title to motor vehicle that was not sold at retail, the Vehicle Use Tax must be paid. The statute authorizing this tax is found at 625 ILCS 5/3-1001. This tax must be paid before title can properly be transferred. The tax is based upon the number of years which have transpired after the model year of the motor vehicle, or, if the selling price of the vehicle is more than \$15,000 or more, upon the selling price of the vehicle.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 21, 1994 through June 27, 1994, and have been scheduled for review by the Committee at its July 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/4/94	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	4/29/94 18 Ill Reg 6202	7/19/94
8/5/94	Illinois Commerce Commission, Operator Service Providers (83 Ill Adm Code 770)	4/22/94 18 Ill Reg 6099	7/19/94
8/6/94	Carnival Amusement Safety Board, Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)	4/22/94 18 Ill Reg 6040	7/19/94
8/10/94	Department of the Lottery, Lottery (General) (11 Ill Adm Code 1770)	5/6/94 18 Ill Reg 6519	7/19/94

94-326

## LAKE MICHIGAN YACHTING ASSOCIATION DAY

Whereas, the Lake Michigan Yachting Association is celebrating its 100th anniversary this year with a recognition ceremony on July 9; and

Whereas, the association, which was founded in 1894 in Racine, Wisconsin, is the midwest's most prestigious association of those who love the water and boating in any of its many forms; and

Whereas, the Lake Michigan Yachting Association is an association of 89 midwest yacht clubs, plus individual sustaining members; and

Whereas, club members further the interests of yachting in general and give the midwest yachtsmen an organized voice at the local, national, and world-wide level; and

Whereas, the Lake Michigan Yachting Association works to protect boating and the interests of recreational boaters and encourages educational and conservation programs; and

Whereas, it provides a medium for the exchange of boating information and acts as a liaison among boaters and yacht clubs; and

Whereas, during the past year, the association organized two clean up drives, in Montrose Harbor and in Monroe Street Harbor; and

Whereas, the Lake Michigan Yachting Association has helped preserve the unique character of Lake Michigan, one of Illinois' greatest assets;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 9, 1994, as LAKE MICHIGAN YACHTING ASSOCIATION DAY in Illinois.

Issued by the Governor June 17, 1994.

Filed with the Secretary of State June 24, 1994.

94-327

## SPEECH WEEK

Whereas, communication skills link every member of society, enabling us to share with one another through speech, sign language, braille, and many other avenues; and

Whereas, teachers, speech educators, and communication specialists deserve recognition for their efforts to help individuals develop good communication skills which are vital in a rhetorical society; and

Whereas, the exchange of information and ideas encourages individual intellectual and social growth and furthers society as a whole;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10-15, 1994, as SPEECH WEEK in Illinois.

Issued by the Governor June 17, 1994.

Filed with the Secretary of State June 24, 1994.



94-328  
THERAPEUTIC RECREATION WEEK

Whereas, the value of recreation and leisure is sometimes overlooked; and  
Whereas, recreational participation enhances health, growth, development, and independence through intrinsically rewarding leisure behavior; and

Whereas, therapeutic recreation specialists throughout Illinois provide services in clinical, community, and recreational facilities for individuals with conditions that limit their participation in everyday functions and leisure activities; and

Whereas, these specialists strive to improve the leisure functioning of people in rehabilitation settings and to provide leisure opportunities for all disabled individuals

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 10-16, 1994, as THERAPEUTIC RECREATION WEEK in Illinois.

Issued by the Governor June 17, 1994.

Filed with the Secretary of State June 24, 1994.

94-329  
ALEKSA DUJOVIC DAY

Whereas, Aleksa Dujovic served his native Montenegro, Yugoslavia with courage and honor; and

Whereas, his noble efforts to accomplish peace live on today and have inspired many to protect the liberties of all people; and

Whereas, Aleksa Dujovic fought valiantly with the Allies against fascism and communist oppression during World War II; and

Whereas, through his words and deeds, he encouraged more than 45,000 Chetniks to join him in fighting against the tyranny of totalitarianism; and

Whereas, June 29, 1994, marks the 50th anniversary of the death of this great man;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 29, 1994, as ALEKSA DUJOVIC DAY in Illinois.

Issued by the Governor June 21, 1994.

Filed with the Secretary of State June 24, 1994.

94-330  
DR. RON GIERHAN DAY

Whereas, Dr. Ron Gierhan has served the students of Western Illinois University during the past 17 years as Vice President of Student Affairs and now as Vice President of Student Services; and

Whereas, the main purpose of a university is to provide educational opportunities to its students, whether in the classroom or through extra-curricular activities; and

Whereas, Ron Gierhan has been an advocate of student interest in the university policy-making structure; and

Whereas, during the past 17 years, the students of Western Illinois University have been Dr. Gierhan's first and foremost

concern; and

Whereas, under Ron Gierhan's leadership, the Student Affairs Program at Western Illinois University has developed into one of the finest in the country; and

Whereas, Ron and his wife, Sharon, have been valuable and respected members of the Macomb community and will be missed by their friends in the City of Macomb and the university community; and

Whereas, Ron Gierhan has announced his retirement after 17 years of service to Western Illinois University to spend more time with his daughters and grandchildren in the Pacific Northwest and to pursue new professional challenges;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 8, 1994, as DR. RON GIERHAN DAY in Illinois.

Issued by the Governor June 21, 1994.

Filed with the Secretary of State June 24, 1994.

94-331  
REAL MEN COOK FOR CHICAGO CHARITIES DAY

Whereas, this is the fifth annual "Real Men Cook" for Chicago Charities on Father's Day co-sponsored by Resource Associates International, Inc. and the South Side YMCA; and

Whereas, "Real Men Cook" is not a profit-making venture; rather, it is an effort to establish a Father's Day tradition which heralds the male role models in our communities; and

Whereas, "Real Men Cook" is a celebration of men and a reflection of the culinary traditions handed down from generation to generation in many families; and

Whereas, "Real Men Cook" makes a monetary contribution to those organizations whose mission is to make our communities better places in which to live; and

Whereas, 100 business and professional men have prepared special dishes specifically for this event; and

Whereas, the corporate community, including Nabisco, Lawry's, Coca-Cola, American Airlines, the Chicago Tribune, Uncle Ben's, Inc., and Dominick's Finer Foods are major sponsors of the event; and

Whereas, real men cook, real men love, real men care, and real men become fathers of real men;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim Father's Day, June 19, 1994, as "REAL MEN COOK" FOR CHICAGO CHARITIES DAY in Illinois.

Issued by the Governor June 21, 1994.

Filed with the Secretary of State June 24, 1994.

94-332  
ROBERT B. HUFF SCHOLARSHIP FOUNDATION DAY

Whereas, the Robert B. Huff Scholarship Foundation will hold its 6th annual Celebrity Waits Dinner on July 15, 1994; and

Whereas, Chicago's media and sports personalities will join forces to support their commitment to higher education; and

Whereas, the Robert B. Huff Scholarship Foundation is

dedicated to continuing Mr. Huff's spirit of generosity by aiding young people of all backgrounds in their quest for higher education; and

Whereas, the Foundation commits itself to offer time, energy, and wisdom to Huff Scholars in order that they might achieve the success they pursue;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 13, 1994, as THE ROBERT B. HUFF SCHOLARSHIP FOUNDATION DAY in Illinois.

Issued by the Governor June 21, 1994.

Filed with the Secretary of State June 24, 1994.

94-333

#### GRANDPARENTS DAY

Whereas, respect for elders is an honored and hallowed tradition by all people and societies throughout the world from the beginning of mankind to our present generation; and

Whereas, grandparents are to be honored and revered for the history that they have made -- the history that they are, the history that they have passed on -- for indeed, grandparents are the living history of all mankind; and

Whereas, grandparents promote an awareness of culture, heritage, and history so that it may be passed on to each succeeding generation, thus keeping alive universal values and traditions; and

Whereas, the dignity and wisdom of our grandparents have set examples by experience and have provided inspirational goals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26, 1994, as GRANDPARENTS DAY in Illinois and encourage all our citizens to honor their grandparents and other older persons who have become a significant and meaningful part of their lives.

Issued by the Governor June 24, 1994.

Filed with the Secretary of State June 24, 1994.

94-334

#### JEWISH NATIONAL FUND DAY

Whereas, the Jewish National Fund is a charitable organization dedicated to making the desert bloom and bringing ecological balance to the land of Israel and to other countries where Israel assists with agricultural and environmental sciences; and

Whereas, the dream of freedom for many immigrants from the Soviet Union, Ethiopia, and other lands in being realized; and

Whereas, a forest will be established in the name of His Eminence Joseph Cardinal Bernardin; and

Whereas, these trees will grow in a special area of the Holy Land which is of historical and religious significance to Christians and Jews; and

Whereas, these trees will help moderate the climate, clean and enrich the air we breathe, beautify the land, and make it habitable; and

Whereas, a Tree of Life Award tribute dinner honoring Cardinal

Bernardin is being held to inaugurate this project;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 28, 1994, as JEWISH NATIONAL FUND DAY in Illinois in honor of this event.

Issued by the Governor June 22, 1994.

Filed with the Secretary of State June 24, 1994.

94-335

#### CHURCH OF GOD IN CHRIST, NORTHERN ILLINOIS JURISDICTION WEEK

Whereas, the Church of God In Christ, Northern Illinois Jurisdiction, is a not-for-profit religious, organization consisting of several congregations in the State of Illinois; and

Whereas, it is responsible for causing many men, women, boys, and girls to seek, receive, and exemplify a higher level of moral and spiritual conduct through the teachings of the Holy Bible; and

Whereas, the Church of God In Christ, Northern Illinois Jurisdiction, has the distinction of being the oldest jurisdiction in Illinois and is celebrating its 75th Diamond Jubilee Holy Convocation August 8-13, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 8-13, 1994, as CHURCH OF GOD IN CHRIST, NORTHERN ILLINOIS JURISDICTION WEEK in Illinois and urge all citizens to be cognizant of the events arranged for this time.

Issued by the Governor June 22, 1994.

Filed with the Secretary of State June 24, 1994.

94-336

#### SERBIAN NATIONAL DEFENSE COUNCIL OF AMERICA DAYS

Whereas, during the late 1800's, immigrants from the Serbian lands in the Balkans began to arrive in the United States, settling in large numbers in Illinois and the Chicago area. They brought with them their religious and cultural traditions, their Orthodox Christian faith, and their devotion to freedom and liberty; and

Whereas, one of the most important days in the Serbian Orthodox tradition is the Feast of St. Vitus-Vidovdan, which is celebrated on June 28. On this day in 1839 the Serbian army, led by Saint-Prince Lazarus, chose to fight an overwhelming stronger Ottoman Turkish army, accepting martyrdom over capitulation and slavery; and

Whereas, founded in 1914 and headquartered in Chicago, the Serbian National Defense Council of America has commemorated St. Vitus Day (Vidovdan) by holding its annual Congress and sponsoring a Memorial Service and Academy, which is dedicated to all who have fought for the Honorable Cross and Golden Freedom; and

Whereas, celebrating its 80th anniversary this year, the Serbian National Defense Council of America will hold its annual Congress and Vidovdan Memorial Service and Academy on June 25-26 at the Serbian Orthodox Monastery in Third Lake, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25-26, 1994, as SERBIAN NATIONAL DEFENSE COUNCIL OF AMERICA DAYS in Illinois.



Issued by the Governor June 22, 1994.  
Filed with the Secretary of State June 24, 1994.

94-337

BILL AND CATHY BRADY DAY

Whereas, Lewis C. "Bill" Brady and Mary Catherine "Cathy" Corrigan met during World War II when Bill, a radio operator in the Army Air Corps, went to get supplies from the Quartermaster, where Cathy worked; and

Whereas, Bill and Cathy were married on June 30, 1994, in Sioux City, Iowa, while Bill was still in military service; and Whereas, they made their home in Springfield, Illinois, with children Linda, Doug, Tim, Julia, and Kristen, who brought into the family daughter-in-law Barb and sons-in-law Denny, Blake, and A.J., as well as six wonderful grandchildren--Brandon, Shi Lynn, Ashley, Justin, Jakob, and Jon; and

Whereas, Bill was employed by the U.S. Postal Service for 27 years and retired in 1988, and Cathy retired from the Catholic Mission Offices in 1992 after 15 years of service; and

Whereas, Bill is an avid golfer and active in the Disabled American Veterans and Elks Clubs, Cathy belongs to a weekly card club and socializes frequently with friends, and both are sports enthusiasts and excellent cooks of exotic dishes; and

Whereas, the Bradys are doting parents and grandparents who enjoy visiting their children and families--spread from Illinois to Texas, Wisconsin, and Colorado. They spend their winter months in Florida; and

Whereas, Bill and Cathy Brady mark their 50th wedding anniversary June 30, celebrating the event June 25 with family and friends at the Disabled American Veterans Club on Lake Springfield; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 30, 1994, as BILL AND CATHY BRADY DAY in Illinois in honor of their golden anniversary.

Issued by the Governor June 23, 1994.

Filed with the Secretary of State June 24, 1994.

94-338

ROBERT A. WALLHAUS DAY

Whereas, Robert A. Wallhaus has served faithfully as a member of the staff of the Illinois Board of Higher Education for the past 17 years and as its Executive Director since 1990; and

Whereas, Bob Wallhaus served as a Member of Governor Edgar's Task Force on Telecommunications and Networking in 1991-1992; and Whereas, Bob Wallhaus spearheaded the development of the higher education telecommunications-based distance learning initiative and served as a member of the staff for my 1994 telecommunications summit; and

Whereas, Bob Wallhaus has contributed significantly to higher education policy benefitting the students and faculty of colleges and universities across the State of Illinois; and

Whereas, Bob Wallhaus has been an active leader in the field of higher education nationally; and

Whereas, Bob Wallhaus has provided leadership in development of state-of-the-art libraries in this state; and

Whereas, Bob Wallhaus has made significant professional contributions to the field of higher education; and

Whereas, Bob Wallhaus has served as an inspiration to and a role model for his staff colleagues over these 17 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 24, 1994, as ROBERT A. WALLHAUS DAY in Illinois and express my profound appreciation on behalf of the people of Illinois.

Issued by the Governor June 23, 1994.

Filed with the Secretary of State June 24, 1994.



ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	Objections
RQ - Request for Correction	
EC - Expedited Corrections	

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

#### AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-14225/93;A-609) (E-5355) (P-5027)
89 Ill. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802; A-9895)
89 Ill. Adm. Code 230	Older Americans Act Program (P-5720)

#### AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30	Animal Control Act (P-8972)
8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-14717/93;A-1825) (P-8981) (P-9027)
8 Ill. Adm. Code 25	Animal Welfare Act (P-8993)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 Ill. Adm. Code 20	Definitions (P-14793;A-1844)
8 Ill. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116	Equine Infectious Anemia Control (P-14761/93;A-1861)
68 Ill. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765/93;A-1865)
68 Ill. Adm. Code 70	Horsemeat (P-9003)
8 Ill. Adm. Code 50	Human Slaughter of Livestock (P-9011)
8 Ill. Adm. Code 35	Humane Care for Animals Act (P-9008)

8 Ill. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493)
8 Ill. Adm. Code 515	Refrigerated Warehouse Act (P-9033)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880)
8 Ill. Adm. Code 600	Weights and Measures Act (E-4426) (A-8519)

#### ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029) (C-8731)
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#### ATTORNEY GENERAL

14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)
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#### AUDITOR GENERAL

2 Ill. Adm. Code 601	Freedom of Information (A-7739)
2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)

#### BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)
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#### CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040)
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#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93;A-1892)
80 Ill. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151)

#### CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 325	Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)
89 Ill. Adm. Code 434	Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944)
89 Ill. Adm. Code 380	Background Check of Foster Family Home Applicants (PR-8779)

89 Ill. Adm. Code 385 Background Checks (P-8219)  
89 Ill. Adm. Code 358 Background Inquiry for Purchase of Service Providers (PR-8786)  
89 Ill. Adm. Code 305 Client Service Planning (P-6467)  
89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)  
89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)  
89 Ill. Adm. Code 437 Department of Children and Family Services  
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94-203 Women in Trades Career Day		7976	94-247 ENCARE Day	8508
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94-205 Loyalty Day		7978	94-249 School Counselor Week	8509
94-206 Music Week		7978	94-250 Greek American Heritage Week	8510
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This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section  
cc = codification changes  
n = New section  
r = repeal of existing Section  
re = recodified  
# = renumbered

ACTION CODE

A = Adopted Rule  
E = Emergency  
P = Proposed Rule  
PP = Peremptory  
M = Modification  
W = Withdrawal  
CC = Codification Changes  
RQ = Request for Correction  
PF = Prohibited Filing  
S = Suspension  
O = JCAR Objection  
F = Failure to Remedy Objections  
Object  
RC = Recommendations  
EC = Expedited Correction  
C = Correction

1994	100.670	am	(P-7087)	220.285	am	(P-13307/93;A-4758)
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## SECTIONS AND

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[Title 35, cont.]									
728.101	am	(C-5013)	732.800	n	(P-5403)	811.314	am	(P-8726/93A-1308)	(C-4434)
728.102	am	(P-388A-6799)	732.801	n	(P-5403)	811.318	am	(P-8726/93A-1308)	(C-4434)
728.103	am	(C-5013)	732.802	n	(P-5403)	811.319	am	(P-8726/93A-1308)	(C-4434)
728.107	am	(P-388A-6799)	732.804	n	(P-5403)	811.320	am	(P-8726/93A-1308)	(C-4434)
728.109	am	(C-5013)	732.805	n	(P-5403)	811.320	am	(P-8726/93A-1308)	(C-4434)
728.109	am	(P-388A-6799)	732.807	n	(P-5403)	811.322	am	(P-8726/93A-1308)	(C-4434)
728.135	am	(P-388A-6799)	732.808	n	(P-5403)	811.323	am	(P-8726/93A-1308)	(C-4434)
728.136	am	(P-388A-6799)	732.809	n	(P-5403)	811.324	n	(P-8726/93A-1308)	(C-4434)
728.137	am	(P-388A-6799)	732.810	n	(P-5403)	811.324	n	(P-8726/93A-1308)	(C-4434)
728.140	am	(C-5013)	732.811	n	(P-5403)	811.325	n	(P-8726/93A-1308)	(C-4434)
728.140	am	(P-388A-6799)	732.812	n	(P-5403)	811.325	n	(P-8726/93A-1308)	(C-4434)
728.141	am	(P-388A-6799)	732.813	n	(P-5403)	811.326	n	(P-8726/93A-1308)	(C-4434)
728.142	am	(C-5013)	739.100	am	(P-5403)	811.700	am	(P-8726/93A-1308)	(C-4434)
728.142	am	(P-388A-6799)	739.110	am	(P-5403)	811.700	am	(P-8726/93A-1308)	(C-4434)
728.145	am	(P-388A-6799)	739.111	am	(P-5403)	811.701	am	(P-8726/93A-1308)	(C-4434)
728.146	am	(P-388A-6799)	739.112	am	(P-5403)	811.701	am	(P-8726/93A-1308)	(C-4434)
728.147	am	(P-388A-6799)	739.121	am	(P-5403)	811.702	am	(P-8726/93A-1308)	(C-4434)
728.150	am	(P-388A-6799)	739.122	am	(P-5403)	811.702	am	(P-8726/93A-1308)	(C-4434)
728.151	am	(P-6535)	739.123	am	(P-5403)	811.702	am	(P-8726/93A-1308)	(C-4434)
728.151	am	(P-388A-6799)	739.123	am	(P-5403)	811.702	am	(P-8726/93A-1308)	(C-4434)
728.152	am	(P-6535)	739.124	am	(P-5403)	811.703	am	(P-8726/93A-1308)	(C-4434)
728.152	am	(P-388A-6799)	739.140	am	(P-5403)	811.703	am	(P-8726/93A-1308)	(C-4434)
728.153	am	(P-388A-6799)	739.141	am	(P-5403)	811.704	am	(P-8726/93A-1308)	(C-4434)
728.153	am	(C-5013)	739.142	am	(P-5403)	811.705	am	(P-8726/93A-1308)	(C-4434)
728.153	am	(P-388A-6799)	739.143	am	(P-5403)	811.705	am	(P-8726/93A-1308)	(C-4434)
728.154	am	(C-5013)	739.145	am	(P-5403)	811.706	am	(P-8726/93A-1308)	(C-4434)
728.154	am	(P-388A-6799)	739.146	am	(P-5403)	811.706	am	(P-8726/93A-1308)	(C-4434)
732.100	n	(P-5403)	739.151	am	(P-5403)	811.707	am	(P-8726/93A-1308)	(C-4434)
732.101	n	(P-5403)	739.152	am	(P-5403)	811.707	am	(P-8726/93A-1308)	(C-4434)
732.102	n	(P-5403)	739.154	am	(P-5403)	811.707	am	(P-8726/93A-1308)	(C-4434)
732.103	n	(P-5403)	739.156	am	(P-5403)	811.708	am	(P-8726/93A-1308)	(C-4434)
732.104	n	(P-5403)	739.157	am	(P-5403)	811.708	am	(P-8726/93A-1308)	(C-4434)
732.105	n	(P-5403)	739.158	am	(P-5403)	811.709	am	(P-8726/93A-1308)	(C-4434)
732.200	n	(P-5403)	739.160	am	(P-5403)	811.709	am	(P-8726/93A-1308)	(C-4434)
732.201	n	(P-5403)	739.162	am	(P-5403)	811.710	am	(P-8726/93A-1308)	(C-4434)
732.202	n	(P-5403)	739.164	am	(P-5403)	811.711	am	(P-8726/93A-1308)	(C-4434)
732.203	n	(P-5403)	739.166	am	(P-5403)	811.711	am	(P-8726/93A-1308)	(C-4434)
732.204	n	(P-5403)	739.170	am	(P-5403)	811.712	am	(P-8726/93A-1308)	(C-4434)
732.300	n	(P-5403)	739.171	am	(P-5403)	811.712	am	(P-8726/93A-1308)	(C-4434)
732.301	n	(P-5403)	739.172	am	(P-5403)	811.713	am	(P-8726/93A-1308)	(C-4434)
732.302	n	(P-5403)	739.173	am	(P-5403)	811.713	am	(P-8726/93A-1308)	(C-4434)
732.303	n	(P-5403)	739.174	am	(P-5403)	811.714	am	(P-8726/93A-1308)	(C-4434)
732.304	n	(P-5403)	810.103	am	(P-8726/93A-1268)	811.714	am	(P-8726/93A-1308)	(C-4434)
732.305	n	(P-5403)	810.104	am	(P-8726/93A-1268)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.306	n	(P-5403)	810.104	am	(P-8726/93A-1268)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.307	n	(P-5403)	811.101	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.308	n	(P-5403)	811.107	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.309	n	(P-5403)	811.107	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.310	n	(P-5403)	811.110	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.311	n	(P-5403)	811.110	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.401	n	(P-5403)	811.111	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.402	n	(P-5403)	811.111	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.403	n	(P-5403)	811.112	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.404	n	(P-5403)	811.112	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.405	n	(P-5403)	811.112	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.406	n	(P-5403)	811.302	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.407	n	(P-5403)	811.303	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.408	n	(P-5403)	811.303	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.409	n	(P-5403)	811.309	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.410	n	(P-5403)	811.309	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.500	n	(P-5403)	811.310	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.501	n	(P-5403)	811.310	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.502	n	(P-5403)	811.311	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.503	n	(P-5403)	811.311	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.504	n	(P-5403)	811.311	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)
732.505	n	(P-5403)	811.311	am	(P-8726/93A-1308)	811.715	am	(P-8726/93A-1308)	(C-4434)

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[Title 35, cont.]			TITLE 41		TITLE 44	
814.106	n	(P-8714/933A-1284)	am	(P-9106)	170,700	(P-9106)
814.109	n	(P-8714/933A-1284)	am	(P-9106)	170,710	(P-9106)
814.301	am	(P-8714/933A-1284)	am	(P-9106)	170,720	(P-9106)
814.302	am	(P-8714/933A-1284)	am	(P-9106)	170,730	(P-9106)
814.303	am	(P-8714/933A-1284)	am	(P-9106)	170,740	(P-9106)
814.304	n	(P-8714/933A-1284)	am	(P-9106)	170,750	(P-9106)
814.305	n	(E-6246)	am	(P-9106)	170,760	(P-9106)
835.107	am	(E-6246)	am	(P-9106)	170,770	(P-9106)
TITLE 38						
130.10	am	(P-6292/9303(W-6454)	am	(P-9106)	170,780	(P-9106)
130.30	am	(P-6292/9303(W-6454)	am	(P-9106)	170,790	(P-9106)
130.60	am	(P-6292/9303(W-6454)	am	(P-9106)	170,795	(P-9106)
380.10	am	(P-13427/833A-4630)	am	(P-9106)	170,800	(P-9106)
380.30	n	(P-13427/833A-4630)	am	(P-9106)	170,820	(P-9106)
380.60	n	(P-13427/833A-4630)	am	(P-9106)	170,830	(P-9106)
380.90	n	(P-13427/833A-4630)	am	(P-9106)	170,850	(P-9106)
610.10	n	(P-7168(C-8172)	am	(P-9106)	170,860	(P-9106)
610.20	n	(P-7168(C-8172)	am	(P-9106)	170,890	(P-9106)
610.30	n	(P-7168(C-8172)	am	(P-9106)	170,900	(P-9106)
610.40	n	(P-7168(C-8172)	am	(P-9106)	170,910	(P-9106)
610.50	n	(P-7168(C-8172)	am	(P-9106)	170,920	(P-9106)
610.60	n	(P-7168(C-8172)	am	(P-9106)	170,930	(P-9106)
610.70	n	(P-7168(C-8172)	am	(P-9106)	170,940	(P-9106)
610.80	n	(P-7168(C-8172)	am	(P-9106)	170,950	(P-9106)
610.90	n	(P-7168(C-8172)	am	(P-9106)	170,960	(P-9106)
610.ExA	n	(P-7168(C-8172)	am	(P-9106)	170,1000	(P-9106)
610.ExB	n	(C-7168(C-8172)	n	(P-9106)	170,1100	(P-9106)
610.ExC	n	(C-7168(C-8172)	n	(P-9106)	170,1200	(P-9106)
610.ExD	n	(C-7168(C-8172)	n	(P-9106)	170,1300	(P-9106)
1075.100	am	(P-9858)	am	(P-9106)	170,1bA	(P-9106)
1075.105	am	(P-9858)	am	(P-9106)	200.5	(P-22)
1075.110	n	(P-9858)	n	(P-9106)	200.10	(P-22)
1075.115	n	(P-9858)	n	(P-9106)	200.20	(P-22)
1075.120	n	(P-9858)	am	(P-9106)	200.30	(P-22)
1075.125	n	(P-9858)	am	(P-9106)	200.40	(P-22)
1075.130	n	(P-9858)	am	(P-9106)	200.60	(P-22)
1075.135	n	(P-9858)	am	(P-9106)	200.70	(P-22)
1075.140	n	(P-9858)	am	(P-9106)	200.100	(P-22)
1075.145	n	(P-9858)	am	(P-9106)	200.200	(P-22)
1075.150	n	(P-9858)	am	(P-9106)	200.160	(P-22)
1075.155	n	(P-9858)	am	(P-9106)	200.170	(P-22)
1075.160	n	(P-9858)	am	(P-9106)	200.180	(P-22)
1075.165	n	(P-9858)	am	(P-9106)	200.200	(P-22)
1075.170	n	(P-9858)	am	(P-9106)	200.230	(P-22)
1075.175	n	(P-9858)	am	(P-9106)	200.240	(P-22)
1075.180	n	(P-9858)	am	(P-9106)	200.250	(P-22)
1075.185	n	(P-9858)	am	(P-9106)	200.260	(P-22)
1075.190	n	(P-9858)	am	(P-9106)	200.270	(P-22)
1075.195	n	(P-9858)	am	(P-9106)	200.280	(P-22)
1075.200	n	(P-9858)	am	(P-9106)	200.290	(P-22)
1075.1205	n	(P-9858)	n	(P-9106)	200.300	(P-22)
1075.1205	n	(P-9858)	n	(P-9106)	200.300	(P-22)
1075.1210	am	(P-9581)	n	(P-9106)	200.310	(P-22)
1075.1215	am	(P-9858)	n	(P-9106)	200.320	(P-22)
1075.1220	am	(P-9858)	n	(P-9106)	200.330	(P-22)
1075.1225	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1230	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1235	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1240	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1245	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1270	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1285	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1290	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1295	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1305	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1310	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1315	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1330	am	(P-9858)	am	(P-9106)	200.340	(P-22)
1075.1330	n	(E-7016(P-9858)	n	(P-9106)	200.340	(P-22)
1075.2175	n	(E-7016(P-9858)	n	(P-9106)	200.340	(P-22)
TITLE 44						
					850.10	(P-3208A-9478)
					850.20	(P-3208A-9478)
					850.30	(P-3208A-9478)
					850.40	(P-3208A-9478)
					850.50	(P-3208A-9478)
					850.60	(P-3208A-9478)
					850.70	(P-3208A-9478)
					850.80	(P-3208A-9478)
					850.90	(P-3208A-9478)
					850.100	(P-3208A-9478)
					850.110	(P-3208A-9478)

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240,105	n	(P-221/28/93.A.8061)	1175,1175	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,110	am	(P-221/28/93.A.8061)	1175,1200	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,111	am	(P-221/28/93.A.8061)	1175,1200	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,112	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,113	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,114	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,115	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,116	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,117	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,118	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,119	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,120	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,121	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,122	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,123	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,124	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,125	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,126	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,127	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,128	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,129	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,130	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,131	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,132	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,133	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
240,134	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(E.3006)
240,135	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-16379/93.A.2379)
240,136	n	(P-221/28/93.A.8061)	1175,1215	am	(P-2021/793.A.4856)	1455,200	am	(P-2733.A.8428)
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590.5	am	(P-14765/93.A.1865)	1315,140	am	(P-590.A.7373)	1500.5	am	(P-5758)
590.30	am	(P-14765/93.A.1865)	1315,160	am	(P-590.A.7373)	1500.15	am	(P-5758)
610.10	am	(P-14765/93.A.1875)	1315,163	am	(P-590.A.7373)	1500.20	am	(P-5758)
610.20	am	(P-14765/93.A.1875)	1315,170	am	(P-590.A.7373)	1500.25	am	(P-5758)
610.30	am	(P-14765/93.A.1875)	1315,180	am	(P-590.A.7373)	1500.30	am	(P-5758)
610.40	am	(P-14765/93.A.1875)	1315,200	am	(P-590.A.7373)	1500.35	am	(P-5758)
610.60	am	(P-14765/93.A.1875)	1375,10	am	(P-7886)	1500.50	am	(P-5758)
610.60	am	(P-14765/93.A.1875)	1375,20	am	(P-7886)	1500.55	am	(P-5758)
1150.10	am	(RC-10500)	1375,30	am	(P-7886)	1500.60	am	(P-5758)
1150.20	am	(P-1337/93.A.10736)	1375,40	am	(P-7886)	1500.70	am	(P-5758)
1150.20	am	(P-1337/93.A.10736)	1375,50	am	(P-7886)	1500.75	am	(P-5758)
1150.85	n	(P-1337/93.A.10736)	1375,60	am	(P-7886)	1505.10	am	(P-5737)
1150.85	n	(P-1337/93.A.10736)	1375,70	am	(P-7886)	1505.20	am	(P-5737)
1150.85	n	(P-1337/93.A.10736)	1375,80	am	(P-7886)	1505.30	am	(P-5737)
1150.85	n	(P-1337/93.A.10736)	1375,90	am	(P-7886)	1505.40	am	(P-5737)
1150.85	n	(P-1337/93.A.10736)	1375,100	am	(P-7886)	1505.50	am	(P-5737)
1175.100	am	(P-2021/793.A.4856)	1375,110	am	(P-7886)	1505.55	am	(P-5737)
1175.000	am	(P-2021/793.A.4856)	1375,120	am	(P-7886)	1505.60	am	(P-5737)
1175.001	am	(P-2021/793.A.4856)	1375,130	am	(P-7886)	1505.70	am	(P-5737)
1175.005	am	(P-2021/793.A.4856)	1375,135	am	(P-7886)	1505.80	am	(P-5737)
1175.010	am	(P-2021/793.A.4856)	1375,140	am	(P-7886)	1505.90	am	(P-5737)
1175.015	am	(P-2021/793.A.4856)	1375,150	am	(P-7886)	1506.00	am	(P-5737)
1175.020	am	(P-2021/793.A.4856)	1375,160	am	(P-7886)	1506.10	am	(P-5737)
1175.025	am	(P-2021/793.A.4856)	1375,170	am	(P-7886)	1506.20	am	(P-5737)
1175.030	am	(P-2021/793.A.4856)	1375,200	am	(P-7886)	1506.30	am	(P-5737)
1175.035	am	(P-2021/793.A.4856)	1375,210	am	(P-7886)	1506.40	am	(P-5737)
1175.100	am	(P-2021/793.A.4856)	1375,230	am	(P-7886)	1506.50	am	(P-5737)
1175.105	am	(P-2021/793.A.4856)	1380,210	am	(P-100.9)	1506.60	am	(P-12153/93.A.5880)
1175.110	am	(P-2021/793.A.4856)	1380,240	am	(P-100.9)	1506.70	am	(P-12153/93.A.5880)
1175.115	am	(P-2021/793.A.4856)	1380,250	am	(P-100.9)	1506.80	am	(P-12153/93.A.5880)
1175.115	am	(P-2021/793.A.4856)	1380,260	am	(P-100.9)	1506.90	am	(P-12153/93.A.5880)
1175.120	am	(P-2021/793.A.4856)	1380,270	am	(P-100.9)	1507.00	am	(P-12153/93.A.5880)
1175.125	am	(P-2021/793.A.4856)	1380,280	am	(P-100.9)	1507.10	am	(P-12153/93.A.5880)
1175.130	am	(P-2021/793.A.4856)	1400,20	am	(P-2566)	1507.20	am	(P-12153/93.A.5880)
1175.135	am	(P-2021/793.A.4856)	1400,30	am	(P-2566)	1507.30	am	(P-12153/93.A.5880)
1175.140	am	(P-2021/793.A.4856)	1400,40	am	(P-2566)	1507.40	am	(P-12153/93.A.5880)
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140,440	em	(P-45597)	149,10	em	P-15243/93.A-3378	314,10	n	(P-17593/93.A-9366)
140,442	em	(P-45597)	149,25	em	P-15243/93.A-3378	314,20	n	(P-17593/93.A-9366)
140,443	em	(P-45597)	149,50	em	P-15243/93.A-3378	314,30	n	(P-17593/93.A-9366)
140,460	em	(P-45597)	149,75	em	P-15243/93.A-3378	314,40	n	(P-17593/93.A-9366)
140,461	em	(P-17736/93.A-3620)	149,100	em	P-15243/93.A-3378	314,50	n	(P-17593/93.A-9366)
140,462	em	(P-17736/93.A-3620)	149,125	em	P-15243/93.A-3378	314,60	n	(P-17593/93.A-9366)
140,463	em	(P-17736/93.A-3620)	149,145	em	P-15243/93.A-3378	314,70	n	(P-17593/93.A-9366)
140,464	em	(P-17736/93.A-3620)	149,140	em	P-15243/93.A-3378	314,80	n	(P-17593/93.A-9366)
140,465	em	(P-17736/93.A-3620)	149,150	em	P-15243/93.A-3378	314,90	n	(P-17593/93.A-9366)
140,466	em	(P-19012933.A-4250)	152,100	n	P-1677.A	314,100	n	(P-17593/93.A-9366)
140,469	em	(P-45597)	152,150	n	(P-1677.A-10141)	325,10	n	(P-8765)
140,514	em	(P-18436/93.A-3620)	152,200	n	(P-1677.A-10141)	325,20	n	(P-8765)
140,523	em	(P-4077)	152,200	n	(P-1677.A-10141)	325,30	n	(P-8765)
140,530	em	(P-4077)	152,200	n	(P-1677.A-10141)	325,40	n	(P-8765)
140,538	em	(P-1768/93.A-5778)	152,250	n	(P-1677.A-10141)	325,50	n	(P-8765)
140,643	em	(P-1768/93.A-5778)	153,100	n	(P-1686.A-10154)	325,70	n	(P-8765)
140,655	f	(P-8236)	153,100	n	(P-1686.A-10154)	335,208	n	(P-8765)
140,655	f	(P-8236)	160,5	em	(P-12158)	356,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-457)	356,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	356,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	357,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	358,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	359,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	360,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	361,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	362,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	363,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	364,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,5	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,6	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,7	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,8	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	365,9	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	366,0	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	366,1	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	366,2	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	366,3	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em	(P-12067.A-697)	366,4	f	(P-8766)
140,655	f	(P-4537/W-8730)	160,5	em				

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